

## **News on Right to Information**

*Compiled by*

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25th May 2009

Chargesheeted appellant can't be denied info under RTI'

The Times of India

TNN, 02:50am IST

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PANAJI: The mere fact that a chargesheet is filed against an RTI appellant in the court of the magistrate and he being an offender facing prosecution, does not mean he is not entitled to the information required.

This is the recent judgement of the state information commissioner Afonso Araujo, who ordered the superintendent of police (SP), police headquarters (PHQ), Panaji, to furnish the requested information to the appellant within 15 days of the order.

The order pertains to the application of Socorro D'Souza from Dongor Waddo, Fatorda, who on August 28, 2008 approached the SP PHQ seeking information under the Right to Information Act 2005. D'Souza required copies of the statements of witnesses recorded in the inquiry instituted against police sub-inspector Navlesh Dessai.

D'Souza is one of the accused in crime number 257/07 and the criminal case is pending trial. D'Souza made a representation to the chairman of ad-hoc committee (home affairs) stating that on a false complaint filed by one Prakash Pandey, PSI Navlesh Dessai registered the offence of extortion. In an inquiry conducted against PSI Navlesh Dessai, statements of a number of witnesses were recorded by senior superintendent of police V V Chowdary. D'Souza requested for those statements recorded in the inquiry conducted against PSI Navlesh Dessai.

The SP PHQ, however, denied the information under Section 8(1)(h) of the RTI Act on grounds that the exemption from disclosure clause was attracted. D'Souza then filed his first appeal before the inspector general of police Kishan Kumar, who also upheld the denial of information by the SP PHQ.

The counsel for D'Souza submitted that he required the statements recorded in the inquiry conducted against PSI Navlesh Dessai by senior superintendent of police (SSP) V B Chowdhury and that as D'Souza is the complainant in the inquiry, he is entitled to the copies of statements of witnesses whose names are mentioned in the application. The counsel also produced copies of application and order of anticipatory bail, order of State Police Complaints Authority and stated that a false case was filed against D'Souza. He stated that the exemption from disclosure clause was not attracted in this case.

On the other hand, counsel for police submitted that D'Souza was one of the accused and that there was no need of the inquiry as charge sheet has been filed in the court. Police counsel stated that the information was rightly denied under section 8(1)(h) of the Act as the appellant may use those statements in the case and damage the prosecution case.

The state information commissioner, however, noted that the mere fact that a chargesheet is filed in the court and the appellant being an offender facing prosecution, does not mean that he is not entitled for the information required.

The commissioner made several observations; the appellant always maintained that a false case was registered against him by PSI Dessai for which an inquiry was conducted; the SP Headquarters has not indicated how the statements of the witnesses recorded in the inquiry will affect the prosecution of the appellant.

The commissioner also noted that although the appellant was implicated in a serious offence of extortion, the State Police Authority indicated prima facie a case of misconduct of PSI Dessai. Noting that providing the statements of the witnesses recorded in the inquiry in no way will hamper the prosecution case, the commissioner ordered that the information be provided to D'Souza within 15 days of the order.

25th May 2009

Formal complaints to CCI need a fee of Rs 50,000, 0325 hrs IST, Souvik Sanyal & Gireesh Chandra Prasad, ET Bureau

The Economic Times

NEW DELHI: India's competition regulator will charge a hefty fee from those filing complaints alleging predatory behaviour as it seeks to ensure that its enforcement machinery is not abused by those who want to get even with their business rivals.

The Competition Commission of India (CCI), which originally came to existence

through an Act of Parliament in January 2003, was bestowed with investigative authority on May 20, 2009, to check anti-competitive behaviour such as predatory pricing, rigging of bids, and cartelization.

Every complainant will now have to pay a non-refundable fee of Rs 50,000 to the regulator to officially act on the petitions. This norm is notified as part of the general regulations, said a CCI official, who asked not to be named. However, a free window exists for those who just want to share information on corporate malfeasance. CCI may initiate official probes in such cases, if it is convinced that the matter indeed warrants a thorough investigation, like any case involving public interest, the official said.

In such cases, the informant cannot make follow up enquiries on his complaint. The regulator will go solely by the merits of the complaint. The CCI fee may look steep compared to what the government charges citizens seeking public information under the Right to Information Act. That Rs 10 fee stacks up against CCI's Rs 50,000.

The CCI official said the regulator debated the issue threadbare, and concluded that there should be a bar to distinguish between serious and frivolous complaints. The norm would be reviewed later in the light of experience.

24th May 2009

All state staffers have to declare assets, says CM

The Times of India

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MUMBAI: Chief minister Ashok Chavan on Saturday agreed with anti-corruption crusader Anna Hazare that it should be made mandatory for the 20 lakh-and-odd state government employees to declare their assets.

"We have accepted the plea. If the elected representatives can declare their assets while filing nomination papers, it will be appropriate for the government employees to follow suit. As there is no mention of assets in the service rules, we will amend it after a discussion with the Centre," Chavan told Hazare.

The CM had convened a special meeting, which was attended by deputy CM Chhagan Bhujbal and chief secretary Johny Joseph, where they discussed the issues raised by Hazare. "I have asked the administration to draft a time-bound action plan to implement the promises we made to Hazare," Chavan said.

Three years ago Hazare first took up the issue of declaration of state employees' assets but it could not be accepted due to a dispute over the rule involving All India Service officials. The state can amend the directives and make it mandatory

for its employees to declare their assets, but it cannot do the same with All India Service officials. "We will have to discuss it with the Centre. If the Centre agrees to have such a rule for All India service officials as well, then only we can make it mandatory," a senior official told TOI.

At the meeting, Hazare-in a bid to have effective implementation of the Right to Information Act-asked Chavan to take stern action against erring officers for the dereliction of duty. Hazare said one of the reasons for the large number of pending cases-16,000-was owing to the failure of subordinate officers in providing information. The state has no power to book an erring official; only an information commissioner can take action against information officers for their failure to provide information. "Since it involves amending the rules, we will take it up with the Centre," Chavan said.

Hazare also demanded that action should be taken against officers who protect their erring juniors. "Many juniors were responsible for irregularities, but their seniors did not taken action against them," Hazare said.

23rd May 2009

MSEDCL refuses to reimburse Rs 35 cr to PMC

The Times of India |

PUNE: The Maharashtra State Electricity Distribution Company Limited (MSEDCL) has declined to reimburse the Rs 35 crore incurred by the Pune Municipal Corporation (PMC) on relaying electricity cables last year.

The PMC had relaid the underground cables with the consent of the MSEDCL while undertaking road work under the JNNURM scheme.

The task, meant to be executed by the MSEDCL, was carried out by the civic body in a bid to meet deadlines before the Commonwealth Youth Games.

"However, the MSEDCL has now refused to recoup the PMC. This was revealed in information obtained under the Right to Information Act," civic activist Vivek Velankar said.

The MSEDCL, in its reply to the PMC, wrote, "The reimbursement of the expenditure incurred by the PMC for shifting MSEDCL's network is against our policy. The expenditure incurred for shifting an existing network is to be borne by the applicant who requests the same."

Moreover, to top this, the MSEDCL has claimed a 1.2 per cent supervision charge for the same work, Velankar said.

Velankar further said that the PMC should deduct the amount from the annual Rs 100-crore electricity charges it pays to the distribution company." Civic authorities should deal with the MSEDCL strongly. The PMC is facing a shortage of funds and hence it should recover the amount," Velankar said in a letter to the municipal commissioner.

22nd May , 2009

RTI exposes chinks in Delhi Police narcotics branch

The Indian Express

New Delhi : Cases of drug peddling are considered heinous offences and can even entail death penalty under the Narcotic Drugs and Psychotropic Substances (NDPS) Act.

A response under the Right To Information (RTI) Act from the Delhi Police's Narcotics Branch, however, raises grave doubts over how serious the investigating agency is when it comes to arresting the accused and putting them up for trial that could go on in the courts for years.

In most of these cases, the accused are made to languish behind bars and are not allowed bail till the court pronounces its verdict.

According to a reply sent in pursuant to an RTI application by Kamran Siddiqui, general secretary of the NGO Real Cause, though the Narcotics Branch registered 20 cases under the NDPS Act between January and February this year, they could not, for unexplained reasons, nab even a single prospective buyer.

Moreover, the office of the Deputy Commissioner of Police, Crime and Railways, answered in the negative when asked if the department officials had a list of gazetted officers and area magistrates before whom an accused could be produced, if he so demanded.

Notably, the NDPS Act accords legal right to a person detained for possessing contraband to ask the policemen to take him to a gazetted officer or area magistrate concerned for conducting his search. Such officials are enlisted by the authorities.

The provision has been inserted in the statute as a check to ensure that the accused cannot allege during trial that narcotic drugs were maliciously planted by policemen.

The reply has stated that no such list was provided to the department and hence remained silent on the question as to what would be the policemen's response if an accused wanted his search conducted only before a designated officer. Also,

the department had in no case taken the designated officer along while conducting raids or arresting the accused, it contended.

In another query regarding the purchase of an investigation kit (comprising accessories for weighing and collecting evidence while making arrests) by the Narcotics Branch, the department said that it had not bought any investigation kit during the last year. On the query relating to the period after which a fresh kit was to be handed over to investigating officers, the RTI reply refrained from commenting.

Siddiqui's application had also pointed to another relevant provision of the NDPS Act, asking in how many cases had the policemen offered to get themselves searched or allowed an examination of their vehicles before the accused.

The reply claimed that though the policemen had offered to get themselves and their vehicles searched in all the cases, the accused did not avail the opportunity in any such incident. In all the 20 cases, there was not a single public witness willing to testify before a court that he was present at the spot when the policemen arrested the accused with the narcotics.

When contacted by Newslines over the replies, a senior official of the Delhi Police refused to comment saying the Code of Conduct was in place at the moment.

Siddiqui, on the other hand, claimed that a close scrutiny of the drug cases would disclose that though hundreds of sellers had been nabbed, the department failed to arrest any prospective buyer, for the reasons known only to them.

"Moreover, a majority of these cases end up in the acquittal of the accused, depicting how fair the arrest proceedings could be considered," he added.

20th May 2009

Civic body asked to refund excess fees charged to provide info under RTI

The Indian Express

Rajkot : Chief Information Commissioner R N Das has ordered the Bhavnagar Municipal Corporation (BMC) to refund Kishor Kantariya, a local advocate, the excess fees charged from him to provide information under the Right to Information (RTI) Act.

The BMC claimed that the fees were charged as per its general board rule, while the order by the RTI commissioner made it clear for the local body that it had to follow only the RTI Act.

Kantariya, who sought information over what new names the BMC has been deciding for various schools run by the Nagar Prathmik Samitee, was made to pay Rs 138 for 15 pages.

As per the RTI rules, the applicant has to provide Rs 2 per page and Kantariya was supposed to pay only Rs 30, but was made to pay Rs 108 extra. In an order issued on May 10, Das had told the BMC: "Excess fee charged over and above the admissible fees (Rs 2 per page) under rule 5(1) (b) is ordered to be refunded within 10 days."

Earlier, Kantariya's request to charge only Rs 2 per page was turned down by the BMC Information Officer as well as the Commissioner.

During the hearing on May 17, the BMC Information Officer argued that the fee was charged as per the norms formed by the Bhavnagar Municipal Corporation general board. The BMC argued that in 2006, the general board had passed a resolution to charge Rs 6 per page from anyone seeking information related to the BMC.

In the order, Das said as the information was sought under the RTI Act the BMC could not charge as per the norms of the general board, but had to follow the RTI Act strictly.

Kantariya, who could not remain present in Gandhinagar during the hearing, received the order by post on Tuesday.

Kantariya said: "Today itself the BMC communicated to me to take a check of the excess fee charged."

19th May 2009

Burdened by traffic cases, court says no more

The Times of India

NAGPUR: The next time you are trapped by the traffic police, don't pay the fine. Fight it out in the court. There's every chance that a hearing will not take place in your lifetime.

In a decision that could have far-reaching consequences, the district court has directed Nagpur traffic police to stop reporting cases related to Motor Vehicle Act to it as it's already burdened with many pending cases.

An enquiry under Right to Information Act revealed that principal district and sessions judge at Nagpur TV Nalawade had directed the traffic department not to send cases related to Motor Vehicle Act violation without the presence of

accused persons. The judge observed that the challahs were accepted in the court but the accused persons were skipping hearings despite seizure of their vehicle documents.

The enquiry was made by Tushar Mandlekar, secretary of International Society for Road Transport and Safety from traffic police, who had sought information on number of traffic violation cases sent to the motor vehicle court by the police.

18th May 2009

HC stays order of disclosing answersheet to CA students

The Hindu

New Delhi (PTI) The Delhi High Court on Monday stayed its order directing Institute of Chartered Accountants of India (ICAI) to provide certified copy of answersheet to its students under the Right to Information Act.

A Division Bench of Chief Justice A P Shah and Justice N K Kaul stayed the operation of the order passed by a single judge bench on April 30.

Senior Advocate Soli Sorabjee, appearing for the Institute, contended that students have no right to seek disclosure of their answer sheet and it does not come under the purview of the RTI Act.

The single bench had directed the Institute to provide a copy of the answersheet to its students under the RTI Act saying it could not be excluded from the purview of the Right to Information Act and examination authority cannot deny answersheet to students.

Observing that the Act confers positive power to a citizen which should not be hindered by authorities, the court dismissed the plea of the Institute of Chartered Accountants of India challenging the CIC's order to provide a certified copy of the answer sheet to a student who could not clear the exam.

17th May 2009

Technology booms in district

The Times of India

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VARANASI: With over 2.5 lakh cell phone users, three lakh internet users and around 10,000 applications under Right to Information (RTI), the district is definitely enjoying the information boom, facilitated by the rapid up gradation of technology in the region.

While the city has already witnessed essential services such as collection of

property tax and household surveys through geographical information system (GIS), information is fast becoming a powerful tool to address a number of problems in the region.

"There is a growing requirement for accurate and timely information and it may well prove to be panacea for a number of problems," said Rameshwar Dayal, revenue officer in Varanasi Nagar Nigam on Sunday that also marked the World Information Day. "Actually, the accurate information (through GIS) not only helps in proper household surveys, but also contributed in fast collection of property tax in the city," he added.

It might be mentioned here that the VNN office witnessed massive computerisation, linking various departments under it last year. The number of households also increased from 1,43,000 to 1,61,000 after GIS survey of the city.

The information boom has also become apparent at railway stations, including Cantonment railway station which continues to witness up gradation in services mainly linked to information technology. According to RS Dubey, station manager, services like unreserved ticketing system (UTS), ATM facility, touch screen and digital display of train timings have helped change the image of the station.

18th May 2009

Remembering Rahul: A comrade and spirited activist

The Times of India

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May 18. It was 6 am. Rahul's lifeless body lay before our eyes. We stared at it in disbelief, hoping he would get up and talk to us.

His wife Twinkle wept inconsolably and his son Swaraj, 7, sat by his side in a daze. He had just come from his grandfather's room and had no idea what had happened. The boy who waited every night for his father, did not know that he would never come back.

Rahul was only 36. At 5 am, a massive heart attack claimed his life and before the paramedics arrived, he was no more. When he was being taken for post-mortem, I noticed the gold necklace around his neck and bent to remove it. Swaraj whispered, "Gently please, it will hurt," and the statement shook my heart. My guess was right: The little boy had no clue his father was gone forever.

The hearse came and as Rahul's body was being hauled, he asked, "But why is papa still unconscious?" Nobody said anything, as Twinkle gently took her son away.

Rahul's parents were shocked. Their son had gone before them. To lend a shoulder for own son's funeral procession can be a crushing blow for any parent. But they did not cry and that worried me. Perhaps they had steeled themselves because they had to look after Twinkle and Swaraj.

Rahul had joined us at The Times Of India only about 18 months back. An activist at heart, he had specialised in Right to Information (RTI) Act and used it to fight for people. He used to train Gujarat government officials on RTI. He would write about RTI's success stories and be euphoric if he won a case under the act.

16 th May 2009

No action against illegal buildings of 24 corporators

The Times of India :

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PUNE: The Pimpri-Chinchwad Municipal Corporation (PCMC) continues to ponder on whether action should be taken against 24 corporators who own illegal constructions.

The general body is yet to allow the civic administration to refer the matter to the court. Ashish Sharma, the PCMC municipal commissioner, said that in the absence of the permission, he cannot move the court on the issue. Sharma said, "A municipal commissioner has to take the permission from the general body to refer a matter to the court as per the Bombay Provincial Municipal Corporation (BPMC) Act, 1949."

He said that the cases of the 24 corporators and that of corporator Surdas Gaikwad were different. A Thergaon resident had sought information from the civic administration under the Right to Information Act about the corporators' unauthorised constructions about a year back. Then he received the names of the 24 corporators and details of their unauthorised construction in Pimpri-Chinchwad.

Following the disclosure, there was a public demand for action against these corporators and disqualifying them. In March 2008, the then municipal commissioner Dilip Band had sent a proposal to the general body, seeking its permission to refer the matter to the high court. Even after a year, the proposal remains pending with the general body, Sharma said.

Meanwhile, independent corporator and social activist Maruti Bhapkar said, "During several general body meetings, I demanded that the commissioner should be allowed to move the court on the issue. The proposal should not be kept pending. Let the court take a decision."

Manav Kamble, the Nagari Hakka Suraksha Samiti president, said, "Surdas Gaikwad belonged to the ruling Nationalist Congress Party, so the civic administration was unwilling to take action against his unauthorised constructions. It was thanks to the court decision that they razed his illegal constructions. We will launch an agitation, demanding that the civic body should take action against the 24 corporators also."

14<sup>th</sup> May , 2009

RTI only way to get information in VMC, say councilors

The Indian Express

Express News Service Posted online: Thursday , at 0159 hrs  
Vadodara : Opposition leader at the Vadodara Municipal Corporation (VMC), Chirag Zaveri, has accused the administrative wing of being indifferent to answering queries about status of different projects. He raised the issue at the general board meeting on Tuesday.

For Zaveri, RTI (Right to Information Act) seems to be the only effective tool to extract information. But for corporators of the ruling BJP, even RTI has not borne fruit, as they have been asked not to use it since it tarnishes the party image.

"Gone are the days when one used to get information by submitting a request letter on their letter heads. Despite being the Opposition leader, I am forced to file RTI applications for even basic information," Zaveri said.

Several RTI applications have exposed the lethargic attitude and level of corruption in the VMC.

The applications by BJP councillors are first scrutinised and considered for further procedure only if deemed "necessary".

"I have gathered information through RTI that can expose several things, but there is certain level of 'discipline' in the party that is stopping me to make it an issue," said a BJP councillor refusing to be named.

Another BJP councillor said: "There were incidents when we were denied even basic information that would have made no difference to some of the top officials, but we were deliberately not given the information. I was aware that RTI application under my name would have jeopardised my political career, so I chose to file it in somebody else's name."

Zaveri claimed that several BJP councillors were asking him about the procedure to file an application under the RTI Act.

"Many are not aware that it is nothing more than pasting Rs 20 stamp on a piece of paper with information query written on it," he added.

13th May 2009

No vertical limit for school fees

The Times of India

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Ahmedabad : Feeling the pinch? This summer, its not just the heat but also your daughter's school fees hiked by 25 per cent burning a hole in your pocket. The only solace for you is that you are not alone. Parents across the city are going through the same financial problem. The bad news is: There is no solution to this in the near future.

Fee hike is a reality among the more than 150 primary schools in city. All 3,000-odd primary schools across Gujarat effect a fee hike ranging between Rs 1,000 and Rs 15,000 every year.

In 2007-08, state education department had issued a government resolution (GR) that sought to ensure that schools do not increase their fees more than 10 per cent at one go.

For example, an English-medium school in Ahmedabad hiked its fee by 25 per cent. But nobody seemed to take notice nor filed a complaint about the gross violation of norms, especially since the school authorities were well-connected'.

In 2008, the GR was withdrawn. But, this issue was taken up at Gujarat HC in 2005 where court had ruled that schools should not hike their fees more than 10 per cent. Following this, a clear set of rules were announced by a specially-appointed committee formed at the behest of the HC.

Today, however, the situation hasn't improved. Director of primary education, RC Raval, said, "There are no clear guidelines on fee hike. The old rule of limiting increase to 10 per cent has been cancelled. This rule was being violated by many schools. It has been happening with most self-financed, private schools which are out of our purview. They hike fees arbitrarily and we can do little to stop them."

Primary education officer of Ahmedabad district, SP Chaudhary, said, "Since 2008 till date, we have received more than 40 proposals from different schools seeking to hike fees. We have turned all of them down."

But, this has failed to prevent schools from hiking their fees by 20 to 25 per cent. State government and education department seem happy to oblige them by turning a blind eye.

Expensive does not necessarily mean improved education for your children with better quality of teachers. Education is big business, but there is no quality control. Hiked fees often do not translate into respectable monthly salary for teachers. Poor pay turns off many good teachers which in turn affects the quality of education.

The problem of lack of good teachers is plaguing most schools in city and state, even the so-called well-known English medium schools. "The administrators boldly ask us to take tuitions and earn money. They do not think it is feasible to pay us proper remuneration," said a teacher.

For instance, a wannabe teacher, armed with post-graduate and BEd degree and four-year teaching experience went job hunting. The best pay packet she was offered was Rs 4,000 to teach students of class V, VI and VII.

"Even that is a lot. For in many city schools, primary teachers are offered a salary of no more than Rs 1,500 to 2,000. Even domestic help, registered with voluntary agencies get paid Rs 4,000 per month," said a teacher of an English medium school.

This fact was effectively highlighted in an Right To Information (RTI) application filed by a school teacher Vinod Pandya. Pandya had sought details on qualifications of school teachers and their fees from state education department.

The response was startling. "In most schools, the fee was abysmally low. In some, it was comparable to a daily wagger's remuneration ranging between Rs 500 and 1000," said Pandya.

That the low fees is affecting the quality of teachers does not seem to concern school authorities or state education department. "These days SSC and HSC pass students are taking up teachers' jobs in senior classes. You can well imagine the teaching standards at these schools," said an educationist.

A senior officer of state education department said, "On official records, all schools state that teachers are paid according to government rules. But, this is a far cry from reality. Paltry salaries is the order of the day, but punitive action is never initiated due to involvement of influential politicians in most school administrations."

13th May 2009

RTI helpline completes third year in state

Indian Express

Vadodara The Right to Information Act (RTI) helpline started by the NGO, Mahiti Adhikar Gujarat Pahel (MAGP), completed its third year of working, on Tuesday.

According to the details of the call records collected by the NGO, the helpline has received the maximum number of calls from farmers across Gujarat and some neighbouring states, wanting to know the procedure of filing an RTI form, and other related information. So far, the helpline has answered 38,269 phone calls on RTI-related issues.

Pankti Jog, co-ordinator, MAGP said: "An analysis of people calling up the helpline revealed that most of them were farmers who had questions related to their land. Teachers, Public Information Officers (PIOs), differently-abled people, social workers and small entrepreneurs also formed a sizeable number of callers."

According to an analysis, the major part of the calls involved complaints about receiving partial or misleading information (15 per cent), followed closely by those about receiving information about the stipulated period of 30 days (12 per cent).

Other complaints included applications being rejected, applicants being threatened and denial of information by the PIOs.

According to the NGO, Gujarat has been one of the top performers in the implementation and provision of information under the RTI Act.

Harinesh Pandya from MAGP said: "The preliminary data of the National Campaign for People's Right to Information ranks Gujarat second after Meghalaya in the implementation of RTI."

The study further showed that while the RTI helpline has been largely successful in spreading awareness, a lot still needs to be done to increase the understanding of services and to ensure honest and speedy delivery of information.

Jog said: "Rural people know more about RTI. We also receive more queries from them as compared to the urban population. Panchayat members too use the helpline to get answer to their queries. In fact, the helpline has been so successful that even PIOs and appellate organisations contact us to ensure transparency in processing of the applications."

11th May 2009

Learn to avail benefits of RTI'

DNA

DNA Correspondent

Monday, May 11, 2009 13:35 IST

Ahmedabad: "We haven't won the war yet; it's only the first step towards achievement," said noted activist and a champion of the Right to Information Act (RTI) Aruna Roy at the felicitation ceremony for human rights activist Girish Patel.

While talking to DNA, Roy said that the RTI movement needs to be taken a step forward for empowering the people. "It's high time the people learn to ask questions and avail the benefits of the RTI Act. Besides, there is also a need for a people's movement for the act," said Roy adding that, except for a few leftist parties, none of the political parties mentioned about the RTI Act in their poll manifesto.

Roy also suggested appointing an advisory council for monitoring the act, "An advisory council can represent the public and keep a check on the government's arbitrary moves," she said.

A survey report revealed that more than 4 lakh people in the rural areas had asked questions under the RTI Act, however, none was to be found in any records. "In Rajasthan, there is no record of the questions raised by the citizens despite repeated orders that the records be maintained for future help," lamented Roy.

Roy insisted on setting up a body of lawyers who can interpret the RTI Act in favour of the people.

6th May 2009,

Power company demands Rs 1.2K for posting RTI reply!

The Times of India

AHMEDABAD: Getting electricity bills much higher than the usual monthly due to a technical glitch is sure to get your blood pressure up.

Imagine how youâ€™d feel if you enforce accountability from the power company under Right to Information (RTI) Act and are told you now have to shell out Rs 1,200 for postage!

This is the situation Shakun Nawab faced. Nawab demanded to know from Madhya Gujarat Vij Company Ltd (MGVCL) the number of customers, who had been charged similarly.

But, the company told him other customers are â€™third partiesâ€™ under RTI and to get their consent before disclosure of information he would have to pay Rs 1,200 towards postage charges. An indignant Nawab took the issue to Gujarat Information Commission (GIC). It held that asking an applicant to pay cost of correspondence to third parties is not only inconsistent, but contrary to RTI provisions.

However, it agreed with MGVCLâ€™s stand that other customers have to be treated as third parties and their consent is required before releasing such information. GIC noted that being a major public utility, MGVCL needs to address issues such as excess billing and adjustments more effectively. Its customers shouldn't have to knock doors of RTI.

Nawab sought names and addresses of its customers, who were subjected to excess billing in September 2006, number of units overcharged, amount recovered and whether the excess amount had been refunded. MGVCL replied, as a project of moving customers from two-monthly bills to monthly was underway, 100 customers were overcharged.

However, satisfactory remedial action was taken, it said. To this, Nawab replied, this was not true as he was a victim too. And, his grievances hadn't been redressed so far.

MGVCL then said, its outsourcing agency issued a bill for 124 units during August 2006, but due to technical problems, the data was missed or deleted. This had resulted in the excess billing.

GIC held that while explanations had been given to Nawab by MGVCL, calculations of how excess billing in his case was settled should be intimated to him for his satisfaction.

4th May 2009

Disclosing assets will hurt judges' independence: SC

DNA

New Delhi: The Supreme Court on Monday defended its judges against disclosure of personal information under the Right to Information Act, saying the act could affect the judiciary's independence.

"If we introduce transparency to an extent that will disturb working of the judge, it will affect the independence of the judicial system," solicitor-general Goolam E Vahanvati argued while appearing before the Delhi high court on behalf of the SC registry.

The SC challenged the Central Information Commission's order of January 6 asking the apex court to reveal information on assets declared by its judges to the chief justice of India (CJI).

Vahanvati said the information could not be disclosed as the CJI (currently, KG Balakrishnan) isn't a controlling authority but has only holding authority on the information. "All information held by a public authority can't be disclosed under the transparency law and only (that) information, on which the authority has controlling power, can be revealed by him," he said.

"(The public authority) should not only hold information but control the information, which means that he can call for such information. In case of judges declaring their assets to the CJI, it is non-statutory and non-binding and the CJI does not have control over it," he said.

In a recent TV interview, former CJI JS Verma said, "People are talking why judges are not declaring their assets. It is disturbing me. Most of them have nothing to hide. There may be a few."

Verma said many judges of the SC and the Delhi HC had told him they wanted to declare their assets. "My advice to them has been to go ahead and make your statement public," he said.

"Every judge has to decide for himself. He is not subordinate to the CJI. I didn't consider myself subordinate when I was not the CJI and I did not consider myself the boss when I was CJI

3rd May 2009

80 DHS posts lying vacant

The Times of India

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PANAJI: Eighty posts of doctors and specialists in hospitals and health centres functioning under the Directorate of Health Services (DHS) are lying vacant either due to the implementation of the election code of conduct or difficulty in getting medical officers to work in interior regions, according to officials.

As many as nine DHS health centres are functioning without even a medical officer who is the key person in charge of overlooking the working of the health centre. The data was revealed by a reply to a Right to Information query obtained by TOI from the public health department of the state secretariat.

When questioned about the vacancies, director of health services Dr Rajananda Desai admitted that the absence of a medical officer in nine of the health centres "definitely affects the functioning".

The data obtained through RTI reveals that there is no medical officer at the community health centres (CHC) at Valpoi and Pernem, primary health centres (PHC) at Siolim and Betki, rural medical dispensaries at Usgao, Agonda and Molorem, Hospicio at Margao and Cottage Hospital at Chicalim.

The Hospicio hospital is also operating without a post mortem medical officer, according to the data. Desai said that while some of the posts created after January could not be filled up due to the implementation of the election code of conduct, in other cases it is because it is difficult to find medical officers who are willing to work in peripheral areas such as Canacona etc.

She said that it is the Goa Public Service Commission that is responsible for filling up the vacancies and that the work of filling up the posts is going on step-by-step.

The data also made other revelations like the fact that the Directorate of Health Services at Campal is functioning without a state mass education and media officer. While the post of the chief medical officer at the DHS lies vacant, the community health centre at Curchorem is functioning without a senior surgeon.

There is no junior surgeon at the community health centre at Valpoi, whereas the post of a junior radiologist and a junior anaesthetist still remains vacant at the Hospicio in Margao and community health centres at Canacona and Valpoi.

Junior physicians are yet to be appointed at the Cottage hospital at Chicalim and community health centre at Valpoi. The post of a junior paediatrician is vacant at the Cottage hospital at Chicalim and community health centre at Canacona.

There is no junior gynaecologist at the community health centre at Curchorem and no junior pathologist at Hospicio hospital at Margao. The post of an ayurvedic physician is yet to be filled up at Asilo hospital at Mapusa.

Of the 80 vacant posts in the hospitals and centres under the DHS, 46 posts of doctors were created with orders dated January 12 and 13, 2009, at the Asilo hospital at Mapusa and Hospicio at Margao.

The DHS has under it 19 PHCs, five CHCs, four Urban Health Centres, 28 rural medical dispensaries and two district hospitals.

The public health department has also stated in its reply that the junior and senior resident doctors not available in the DHS are holding charge as doctors on positions such as junior/senior consultants, public health dentists and medical officers at its various centres.

2nd May , 2009

Rise in RTI queries on IIM-A

DNA

Ahmedabad: The number of applications filed under Right to Information Act (RTI) asking questions about Indian Institute of Management, Ahmedabad (IIM-A) has seen an increase in recent times.

According to the highly placed sources in the institute, while most of the applications have been filed seeking information about admission of students, some of the applications, filed by the institute's administrative and research staff members, question the appointments of the institute's senior officials.

An official in the institute, who wished anonymity, said, "There is a significant increase in the number of applications filed under RTI. Earlier, there used to be about 40-50 applications on an average every year, but the number has now increased to nearly 75 this year.

Most of the applications have questions related to the process of students' admission for various courses. Generally, students who don't get admissions in the institution file such applications."

But, there are some RTI applications filed by the administrative and research staff of the institute. In fact, it is such applications which have put the information officials in a spot.

The IIM-A official said, "These applications are filed by employees probably because of discontent among employees regarding the process followed at the time of appointing those in crucial positions, such as the chief administrative officer (CAO), the senior-most officer of the institute. Also, there are appeals pending with the Central Information Commission, which has made some serious observations and warned the appellate authority to desist from making comments."

He also said, "There are a recruitment process in place and it is well defined even for the junior-level officers. The appointment procedure is conducted after giving advertisements in national newspapers, inviting applications. Moreover, announcements for vacant posts were also done within the institute. But, no procedure was followed for appointing the present CAO, who is also a secretary to the governing board of the institute."

However, the IIM-A CAO, N V Pillai, and the appellate authority of RTI said some dissatisfied employees have been raising this issue. He said, "We generally get four to five RTI applications every year, but this year the number has increased to 10-12. This is because one single employee has filed some five-six applications. As far as my appointment is concerned, the then CAO of the institute suddenly quit, and I being the senior-most officer after him was appointed as CAO by the director of the institute."

2nd May 2009

Two war reports, two rulings: CIC seeks clear declassification policy

The Times of India |

NEW DELHI: In a space of four weeks, the Central Information Commission has given what appear to be contradictory rulings related to matters of national security.

While the information watchdog has allowed disclosure of details related to the 1971 Indo-Pak war spy case, the same commission chose to withhold the Henderson-Brooks report on the 1962 Sino-India war. The ambiguity over which information should be made public is compounded because of a lack of declassification policy in the country.

"There should be a clear declassification policy. It is a logical consequence of the Right to Information Act to have a disclosure policy and a right to privacy policy," Wajahat Habibullah, chief information commissioner said.

Denying that the two orders were opposed to each other, Habibullah said that in the Henderson-Brooks report, there was a lot of material on the Line of Control (LoC) which was a "live issue". "The Henderson-Brooks report deals with issues related to the Line of Control that are still under negotiation. It was felt that it would be detrimental to national interest to be make such information public," he said.

He added that the allegations of an alleged CIA agent in the Indira Gandhi Cabinet was an issue that did not affect present circumstances.

The chief information commissioner was of the opinion that clear laws on right to privacy and declassification would facilitate dispensation of the RTI Act. "Giving information is the rule and not giving it is an exception. A clear policy on declassification, like the one in the United States, would make our work much easier," Habibullah said.

The US and United Kingdom have a disclosure policy under their respective Freedom of Information Act. In the US, documents are automatically declassified after a period of 25 years unless exempted under section 3.3 (B) of the executive order 12958.

Activists have long argued that information related to public events “ of national and international importance ” must be made public.