

## News on Right to Information

*Compiled by*

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**31<sup>st</sup> Aug 2009**

### **UPA's 100 days: Long on promise, short on delivery**

Business Standard

Hundred days is too short a time to judge anyone, more so a new government battling an economic slowdown, an epidemic that is testing the country's stretched public health infrastructure, and lower seasonal rains that threaten to shave half a per cent off the economic growth and hurt rural spending.

Yet, the government cannot escape a scrutiny of its performance in the first 100 days, which it completed on Saturday, especially because it had laid out a detailed agenda for the period, one that was reiterated by President Pratibha Patil in her address to Parliament on June 4.

To cut to the chase, it's been a mixed bag. The government was able to initiate crucial steps in the ministries of rural development, human resource development, home, finance and commerce, thanks to energetic ministers, but did not exactly win laurels on other fronts.

The government's handling of the swine flu, rising food prices and drought, and the slip-up on Balochistan at Sharm-el-Sheikh blotted its report card.

Bharatiya Janata Party, battling its own demons, is nevertheless quick to take a dig. "The government has failed to live up to the expectations of the people and its own promises. They made 25 promises, but, barring a couple, have done little on others," said BJP spokesman Prakash Javadekar.

A lot depends on how one interprets the promises. The President's speech was careful in saying that the government would "initiate" steps on some measures — not complete the task — in the first 100 days. "Initiatives have been taken on 25 items. Twelve of them are being monitored by the Prime Minister Office (PMO), the rest by the respective ministries. A quiet competence is at work," said a PMO spokesman for the .

A major plank in the government's 100-day agenda was to bring about transparency and accountability by improving the delivery of government-administered schemes. Eleven out of 25 proposals focused on this. But a quick review by Business Standard reveals that there has been little or no progress on most.

Take decentralisation and district planning in 250 districts covered by the Backward Regions Grant Fund. These district plans were made last year, in coordination with NGOs and academic institutions. Till date, none has been implemented.

Despite the urgency in the rural development ministry for decentralised planning, no other ministry has initiated steps towards this. "Every ministry has its own independent plans made at the district level for their schemes, making the integrated district plan irrelevant," says Manoj Rai, director, Society for Participatory Research in Asia, an NGO that made plans for 14 districts last year.

The second promise on transparency was a public data policy to place all information covering non-strategic areas in the public domain. It would help citizens challenge the data and engage directly in governance reform.

The National Rural Employment Guarantee Scheme is the only one that has placed all data on its activities, including individual payments made to each worker, on its website. The third was to appoint district-level ombudsmen to increase transparency and public accountability of NREGA. The ombudsmen were supposed to enforce social audit and ensure grievance redressal. Till date there has been no move towards creating this institution. Nikhil Dey of Mazdoor Kisan Sangharsh Samiti and an activist on NREGA and Right to Information, said there had been no progress on the ombudsmen. He said if the ombudsman was not empowered to investigate, like the RTI commissioners, setting it up would be futile.

The fourth promise on transparency was to strengthen the RTI Act by "suitably amending the law to provide for disclosure by the government in all non-strategic areas." Nothing has been done on the promised amendment, but it doesn't make a difference. "All that the government needs to do is implement the RTI Act and nothing more," said Dey. Section 4 of the RTI Act has enough teeth to take care of all the disclosures the government is promising. "If every single financial transaction were to go on the internet (be it the purchase of 10 nails or a Rs 3,000 crore deal), that would be implementation of Section 4 of the RTI Act," Dey said. "If the Rs 40,000-crore NREGA scheme can be totally on the net, why not other schemes?"

29<sup>th</sup> Aug 2009

SC ruling clears decks for Cong to give new life to NAC under Sonia,

The Economic Times

NEW DELHI: The National Advisory Council (NAC), headed by Sonia Gandhi, is likely to be brought back to life more than three years after the

Congress president quit the panel in the wake of the office of profit controversy.

The Congress leadership has mooted plans to revive panel, set up to oversee the implementation of the UPA's Common Minimum Programme (CMP), after the Supreme Court on Monday delivered a judgement in the office of profit case. With the court having upheld the validity of the Parliament (Prevention of Disqualification) Amendment Act, 2006, the decks are clear for Ms Gandhi to once again head the body which, among other things, had piloted the drafts of the National Rural Employment Guarantee Act (NREGA) and the Right to Information (RTI) legislations, which went to become the centrepieces of UPA-I achievement trackrecord.

The amendment was brought by the previous regime to exempt some posts from the purview of the office of profit Act. "We are of the opinion that the impugned legislation is constitutionally valid and the writ petitions are without merits and dismissed," the SC's order dated August 24 said. The ruling in place, powerful sections of Congress pitched in to favour giving NAC a fresh lease of life. A top Congress

confirmed to ET that the bid to revive the advisory council “could not be ruled out”.

The office of profit controversy, which had been triggered by Samajwadi Party MP Jaya Bachchan’s disqualification from the Rajya Sabha, had ended in Ms Gandhi’s resignation from Lok Sabha as well as from the chairpersonship of NAC in March 2006. Though she was re-elected from Rae Bareilly with a record margin, Ms Gandhi stayed away from chairing NAC. The body continued to function but was shorn of the clout it enjoyed vis-a-vis policy-making in the UPA government after Ms Gandhi stepped down. The term of NAC lapsed on February 31, 2008.

Congress leaders had been calling for Ms Gandhi to head the panel after the Parliament passed the amendment to the office of profit law in May 2006. However, the leadership decided not to revisit the controversial territory as long the matter continued to be in the Supreme Court. After Congress won the Lok Sabha elections, Congress’ Rajasthan chief minister Ashok Gehlot made a strong case for having a NAC-like body, talking of the innovative ideas that the previous government had got from the panel.

With the UPA government having announced the ambitious Right to Food Act — which is set to become the flagship of UPA-II — NAC, if revived, would be entrusted with fine-tuning the policy initiative. The move to bring Ms Gandhi formally back into the ambit of policy-making also ties in with the Congress’ move to carve out a position for itself separate from that of the government.

The party had most recently issued an extensive statement on drought and price rise, highlighting how NREGA could be used to create more jobs in drought-hit regions.

27th Aug 2009

Now, file RTI to assert your civic rights too!

DNA

Gandhinagar: So long you were unaware of where and how your local corporator spent the hefty government grants he received every year, or your local body (municipal corporation or municipalities) charged

you with various taxes but had nothing to show for it. But, times have changed - you need not stay ignorant anymore.

You can ask for all the information about how taxes and grants are spent under the Right to Information Act (RTI) just as Vadodara's Meenal Gohil and Amreli's RM Rathod had done.

Meenal Gohil, a resident of Virasani pol in Vadodara was annoyed due to the inaction of the corporators pertaining to the civic issues in her area. She wanted to know out of their annual grant of Rs5lakh, how much had the corporators spent and what other developmental initiatives had they undertaken.

She asked for details on how much grant the three corporators had got and how much of it was spent as well as details of any grants spent by the corporators on repairing of roads etc in the area, besides their initiatives to clean gutters and open garbage etc from the Vadodara Municipal Corporation (VMC).

But, the VMC did not give the required information so Gohil appealed to state RTI commission. After examining the appeal the RTI commission observed that the VMC had not furnished the information sought by the applicant as per the RTI act and the information sought by the applicant was in public interest which would help in making the public representatives more accountable.

So, the commission ordered the VMC to furnish the information free of cost to the applicant in 15 days about the discretionary grants, works suggested by the corporators, works executed, estimated cost or

expenditure, mode of execution (whether by contractor or departmental) and information regarding drainage system.

Like Gohil, RM Rathod of Amreli was also facing various civic problems in his residential area and the Amreli Municipality was not responding. Therefore Rathod filed an RTI application asking the municipality about the details of the taxes collected by the and the expenses made by the municipality for repairing roads, streetlights, storm water drainage, use of moram (sand) on road for filling potholes. The municipality gave Rathod vague information without any specific records of the money spent.

The Commission strongly criticised the local body and noted in the order that the "information of the type of the appellant has sought is a tool that helps in citizen empowerment to demand better and proper civic amenities in specific areas. Sharing of information may or may not result in improvement of civic amenities but denial of information on technical grounds does not promote transparency particularly when the information is sought in larger public interest".

The commission ordered the municipality to maintain proper data and furnish it to the applicant. The commission also ordered the director of municipalities to take appropriate actions.

25<sup>th</sup> August 2009

Listening to complaints 9 to 5

The Times of India

LUCKNOW: The working of the State Information Commission (SIC) might soon be a '9 to 6' thing. In order to implement the provisions

inherently defined under the Right to Information (RTI) Act, UPSIC has come up with Rules-2008 and having well-defined working hours is just one part of it.

If these provisions get implemented, commission will have defined vacations as well. More than anything else, it will be helpful for the applicants who rue they never get a timely hearing. The SIC has evolved a set of regulations with a purpose to expedite the functioning of the commission and dispose cases as soon as possible.

The regulations have been already uploaded on UPSIC website and await a formal approval from the new chief information commissioner. When contacted Ranjit Singh Pankaj, the new CIC said, "We will look into their implementation."

The new regulations specify that applicants will have to be more restrained in voicing their complaints as the SIC will only consider appeals written in dignified language. Besides, the complaints/appeals will have to be completed in all respects.

These regulations are already defined in the Act but the motive is to lay stress on them as a set of new regulations is to do with regularising these provisions. If these regulations come into force, even the old cases marked for further hearings will be dealt with in accordance with the new guidelines.

The Rules-2008 have also taken into consideration the common complaint that lot of applicants could not make to the hearing as they are not informed on time by the commission. With new regulations being implemented, applicants will have to be informed seven days in advance of the date of hearing.

Besides, after coming into force, the rules will make filing of appeal/complaint a bit of 'responsible' affair for applicants/complainants. To give commission a proper view into his case, applicant/complainant will have to attach self-attested copies of the applications submitted to the PIO along with the receipt of the fee deposited and of the PIO's order, if any.

The 'rules' will make the functioning of the commission orderly and timely. The main motive behind formulation of this set of rules is to get exercise checks right at the entry level of the commission. There are many applications seeking information from one or the other government department that come directly to the commission instead

of going to the department concerned.

If applicants are made to follow the new rules much of this burden on commission's staff will be reduced. The practice of accepting only the right kind of application is already present in other state information commissions. It is a broad-based plan defining the work of commission's officers as well. But it can make a change only when it gets implemented.

24<sup>th</sup> Aug 2009

Re-designation Scheme hurts seniority status, GMCH doctor writes to CIC

The Indian Express

After making headlines for its demand for deemed university status, the Government Medical College and Hospital, Sector 32, is in the news again. The controversy this time surrounds the Career Advancement Scheme (re-designation in higher cadre) launched by the UT Administration for its faculty members.

A local doctor has approached the Chief Information Commissioner (CIC), New Delhi, against the UT Administrator's office after she claimed to have not received a satisfactory reply to a query on the scheme, filed under the Right to Information (RTI) Act.

The applicant, Dr Alka Sehgal, had asked the Administration to provide the date and diary number of the receipt of the official file pertaining to the scheme.

Asking if the scheme had been withdrawn in accordance with the recommendations of the Department of Personnel, the doctor sought information on the relevant extracts and copies of rules/legislative provisions and other notifications under which recruitment rules for Group A officers of the UT, who are selected and also promoted through Union Public Service Commission (UPSC), can be modified by the Administrator.

23<sup>rd</sup> August 2009

Lawyers for national judicial commission

The Times of India

KANPUR: The state unit of All India Lawyer's Union (AILU) on Sunday demanded the constitution of a national judicial commission and decided to send a proposal to this effect to the law ministry.

In a meeting held under the chairmanship of its state president Balwant Singh, the union discussed the issue and said judicial commission was a need of the hour in order to completely abolish corruption prevalent in judiciary.

The members unanimously condemned the efforts of the Central government to give special status to judicial officials. Saeed Naqvi, advocate and general secretary of the union, said: "Judges (declaration of assets and liabilities) Bill 2009 was presented in Rajya Sabha by the Central government on August 3, 2009. Section 6 of the bill had given a special status to judicial officers. According to the provision, nobody could ask them to disclose their assets except for the chief justice." He said it was wrong as they were no different from any other person and hence in the purview of right to information. The members also condemned efforts to exclude judges from the Right To Information Act.

23<sup>rd</sup> August 2009

Despite ban, casino office opens in Panaji

The Times of India

PANAJI: A casino has been running its office at a heritage building opposite the Captain of Ports even though the Corporation of the City of Panaji (CCP) passed a resolution banning offices of offshore casinos in Panaji.

Upon inquiring at the office premises, TOI learnt that Mint Casino had set up its operations there. It may be pointed out here that the CCP on June 11, 2008 passed a resolution that it would stop issuing trade licenses to floating casinos in Panaji.

When asked if the CCP had the authority to ban casinos, since the

river is in the jurisdiction of the Captain of Ports, ex mayor Tony Rodrigues had said: "Casino operators will apply to have their offices and counters in the city. We will not issue them any trade and occupation license."

The CCP had acted after a signature campaign and a memorandum from Aam Admi and Aurat against Gambling (AAAG) asked the corporation to take into consideration the burden on civic infrastructure such as parking, garbage, sewerage. It may be noted here that the BJP MLAs had raised questions about trade licenses being granted by the CCP to other offshore casinos at the recent session of the legislative assembly.

When contacted about the Mint casino being allowed to run its office in Panaji, Parrikar said "It is known that the CCP has been furnishing wrong information to the legislative assembly. I will press for more information on this," he said.

Incidentally, opposition corporator Surendra Furtado has sought details under the Right to Information Act about several changes being made to the building itself. The CCP has submitted in the RTI that the old building is located in a commercial (conservation zone). The CCP has admitted that the owner has violated the repair license and has illegally constructed a floor with iron beams.

The CCP has also submitted that the license issued to one Tahir Isani in the name of ABC Enterprises to run a business centre and that no license has been issued to a casino office in the said premises.

On June 8, the CCP, under former commissioner Melwyn Vaz, had issued a stop work order to Isani. "During site inspection by technical staff, it is observed that you have undertaken illegal construction work. You are hereby directed to stop illegal construction, failing which necessary action will be initiated against you," the order stated. On June 11, the North Goa Planning and Development Authority (NGPDA) issued a final notice to Isani directing him to demolish the illegal structure within 30 days. New commissioner Elvis Gomes said he was neither aware of the casino office nor the illegal construction. "I've also been told that the mayor has been informed about this, so I will speak to her and consult the records," he said. "If it merits that action should be taken, then it will definitely be taken," Gomes added.

22rd Aug 2009

## Karnataka judge lends weight to netas' demands

The Economic Times

NEW DELHI: A Karnataka judge's face off with the Chief Justice of India (CJI) over the judges' assets disclosure issue has given the political class additional ammunition to mount pressure on the government to ensure that the judiciary goes through the transparency test like other arms of democracy.

The BJP and Left parties on Friday welcomed Justice D V Shylendra Kumar's assertion that it was a "misnomer" to think that judges of superior courts, who enjoy constitutional protection and immunity, are not ready to disclose their assets and said he was willing to declare his assets in public. He had also said the CJI did not have the authority to speak for all judges of the Supreme Court or high courts unless any of them has confided in him or authorised him to speak on behalf of others.

"Now, if sitting judges feel this way, it's time for the judiciary to think collectively about the issue," BJP leader Ravi Shankar Prasad said. He said the Karnataka judge's views underscore the need for some mechanism to be evolved.

"If the judges are of this view it's good. The government should consider this," CPM politbureau member Sitaram Yechury said. He said the judges' assets bill was legally untenable and created duality in various organs. CPI's D Raja said the split in the judiciary over the proposal shows the "hierarchical crisis" in the judiciary. He said this necessitated a judicial commission all the more. "Why should judges not declare their assets? Why should CJI stop them?" he asked.

Both the Left leaders are members of the Upper House, where Opposition protests forced the government to withdraw the Judges (Declaration of Assets and Liabilities) Bill. Members of the BJP, Left as well as Congress had said the bill spared public scrutiny of the assets of judges and envisaged a mere declaration of assets before the CJI. The political parties objected to keeping judges' assets being beyond the purview of the Right to Information (RTI) Act.

Having nipped the government's efforts at keeping judges' assets out of public domain, the opposition parties is in no mood to allow the judiciary a privilege MPs do not enjoy. They want a level-playing field

and the Karnataka High Court judge's remark, that it was the Supreme Court which pushed the RTI, has only reinforced their demand. BJP leader Arun Jaitley had said in the House that certain provisions went against the spirit of Article 19 (1)(a) of the Constitution and asked how there could be two sets of interpretations.

The government has promised to evolve a political consensus before taking up the proposed legislation. CJI KG Balakrishnan had said that judges could be harassed if their assets were made public. The CJI, however, has been silent on the issue ever since the bill was dropped in Parliament. He has also refused to comment on a proposal that judges, instead of waiting for a legislation, should voluntarily disclose their assets.

21<sup>st</sup> August 2009

And now, an academy to develop honest politicians

The Times of India

CHENNAI: In an effort to cleanse Indian politics of corruption, at least to the extent possible, four non-governmental organisations working to promote the right to information in the city have come up with a novel initiative to train the younger generation in honest politics.

The NGOs, including Anti-Corruption Movement and Tamil Nadu Lanjam Kodathor Iyakkam, have set up an Academy of Honest Politics' in Kodambakkam, offering a free part-time course for service-minded graduates in the 20-25-year age group. The academy will be inaugurated on August 22 by former central vigilance commissioner N Vittal and former State Human Rights Commission member S Sambandham.

"We will have 20 students in the first batch. We have received applications from 15 youth from various parts of the state after we advertised in the newspapers. The course will be conducted from 5.30pm to 8.30pm daily. The syllabus will contain 15 subjects, including constitutional law, budgeting and financial management, history of governance, panchayat raj, state and Central government's social welfare schemes, and inter-state and international relations," said S M Arasu, secretary of the academy.

There is no written examination, but the course includes a month's practical training for which students will have to go their native place, work on a people's problems there and come out with solutions. The students will be graded according to performance and given a certificate, though the course is not officially recognised.

"When all and sundry see an easy opportunity in politics to make quick money, obstructing national development and treating elections as a farce, we feel the situation calls for some concrete action by patriotic citizens to stem the rot before it gets worse. Though we cannot do much to change present-day politicians, we can try to encourage the younger generation so that at least some of them will become honest politicians in future. Students coming for this type of a course is the first victory for us," said Arasu, also the general secretary of Anti-Corruption Movement.

The other two organisations associated with the academy are Transparency International and Fifth Pillar.

21<sup>st</sup> August 2009

Ganesha comes to the rescue of unrecognised schools

The Times of India

VISAKHAPATNAM: To escape temporarily from the High Court order and to avoid being penalised by the education department, the unrecognised schools have cleverly announced Vinayaka Chavithi holidays for students in Visakhapatnam district.

A two-judge bench of the High Court on Monday ordered the government to close down all the unrecognised schools in the district by Thursday. The private unaided school managements association, which is trying for a stay on the court order, is believed to have asked the private schools managements to close down the schools in the guise of Vinayaka Chavithi holidays.

The association assured the managements that they would get the stay on Monday as it is already in touch with politicians and people's representatives of the ruling party. The court issued the orders for the closure of the unrecognised schools after one Srisailam Ramesh of Visakhapatnam filed a public interest writ petition in the court.

Ramesh had applied through the Right to Information Act to get data on the unrecognised schools in August 2007, but the education department did not furnish the information. Upset over this, he filed a petition in the court. When contacted, incharge DEO Meesala Suryanarayana said his department has lodged complaints on about 500 unrecognised schools in the district. "We will submit a report to the court on August 24," he said.

According to education department statistics there are 467 schools out of 957 in the district which are unrecognised. Of which, 380 schools are in Visakhapatnam alone. "Though the education department has asked the unrecognised schools to get recognition in 2006, only 20 per cent managements had responded," a source said.

Meanwhile, parents of the children studying in the unrecognised schools are worried. If all the schools are closed, nearly one lakh students studying in various classes would be directly affected, sources said.

"I have paid Rs 25,000 towards donation and other means to the school and another Rs 10,000 for uniforms, books and other things. I cannot afford to pay another Rs 35,000 to join my son in another school," a bank employee Syam Sundar said

19<sup>th</sup> Aug 2009

RTI Act in Nagaland not effective

The Moroung express

Kohima | August 19 : The Right to Information (RTI) Act was enacted in 2005 by the government of India after it was introduced in December 2004. But even to this day, the effectiveness of the Act in Nagaland is still a long way from being satisfactory. Is the reason behind this ineffectiveness due to the ignorance of the people about the Act or is it due to the fact that the departments of the government are ignoring applications of people seeking information and not responding positively and within the stipulated time?

On its part, the state government has reiterated proper implementation of the RTI Act 2005 while taking note that many departments were ignoring the Act and information sought are not replied positively and within the stipulated date.

An office memorandum issued by commissioner & secretary, department of Personnel & Administrative Reforms, reiterated that the RTI, 2005 adopted by state government needs to be adhered to and

implemented by all departments. It stated that Section 5 and 9 has directed all government departments/corporations to designate offices as Appellate Authority/Public Information Officer (PIO) and Assistant Public Information Officer (APIO). Whenever any appointed/nominated appellate authorities, PIOs and APIOs are transferred/retired from their respective departments, the responsible departments are to re-appoint or nominate other appellate authorities, PIOs and APIOs respectively, according to the memorandum.

Under Section 4(1) (B) of the Act, departments and public sector undertakings of the state are required to prepare and publish a manual of the departments giving the particulars of the organization, powers and duties, rules, regulations, instructions, manuals and records held by it, directory of its offices and employees and particulars of all plans, programmes of the department and so on, the memorandum stated. All departments are also directed to prepare an annual report, under Section 25 (1) (2) (3) of the Act and submit to the Chief Information Commissioner (CIC), which the CIC will place during the assembly session, said a DIPR report. In another circular, the P&AR department has highlighted the decision of the High Court of Bombay at Goa, dated April 3, 2008 in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission under the RTI Act, 2005, with regard to the definition of the term 'information.'

The relevant part of the judgment stated that "The definition cannot include within its fold answers to the question 'why' which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matters within the domain of adjudicating authorities and cannot properly be classified as information."

While speaking as the resource person at a one day seminar on RTI Act at Dimapur, CIC Nagaland, P. Talitemjen, IAS said that the Act is a powerful weapon and it should not be abused or misused. He pointed out that government is for transparency and accountability towards the public which is why the need for RTI Act was necessitated.

Elaborating on the RTI Act, the CIC explained about Section 3 of the Act which empowered any citizen to derive any sort of information from any department except some departments like Defense, CBI, etc., while Section 4 of the Act stated that any information asked have to be given. The CIC also enlightened the gathering about the procedures on how to go about and file the application and various sections attached with it. He also informed that the Administrative Training Institute (ATI) was deputed to train government officials on

the Act and process is going on to translate the Act into all the languages of the sixteen tribes of Nagaland.

It may be mentioned that the campaign for the right to information was started by a group of workers in a village in Rajasthan when they were not paid by the government for work done during a famine. They formed a citizen group, Mazdoor Kisan Shakti Sangathan (MKSS). This group was supported by social activists like Aruna Roy and the press, and led to the formation of the National Campaign for People's Right to Information (NCPRI) in 1996.

The NCPRI and the Press Council of India formulated an initial draft of a right to information law in 1996. The government introduced the Freedom of Information Bill in 2002. In August 2004, the NCPRI suggested a set of amendments to the Freedom of Information Act, 2002. The National Advisory Council (NAC) endorsed many of these proposals, and the government introduced the Right to Information Bill in December 2004. The law was enacted in 2005.

18 th August 2009

HC notice to ex-CJ on CIC post vacancy

The Times of India

PATNA: The Patna High Court on Monday issued a notice to the former Chief Justice of the Patna High Court, Justice J N Bhat, asking him to state whether or not he would take charge as the Chief Information Commissioner of the State Information Commission (SIC).

A division bench comprising Chief Justice P K Misra and Justice Shivakirti Singh issued the notice while hearing a PIL of Vikash Chandra alias Guddu Baba. Advocate general P K Shahi submitted that Justice Bhat was appointed by the state government on October 8, 2008 as the CIC after he had given his consent for it.

The PIL has sought immediate appointment of the CIC as the post has been lying vacant for more over ten months. The petitioner pleaded that the presence of the CIC at the SIC is necessary for expediting hearing of the cases related to Right to Information Act.

The court asked the advocate general to furnish the address of Justice Bhat to the petitioner for the issuance of notice to him.

16<sup>th</sup> August 2009

MC lax towards the RTI Act

The Times of India

LUDHIANA: Though strict actions had been taken many a time against the Municipal Corporation (MC) officers due to their callous attitude towards giving the information under the Right to Information (RTI) act but they continue to defy the law as more than 60% of the total applications received by them ever since the inception of the act have not been replied yet.

This is contrary to the fact that two of its senior officers Joint Commissioner Mahinder Pal Gupta and Assistant Commissioner VK Sharda had tendered written unconditional apology from the State Information Commission. The information attained by the RTI activist Rohit Sabharwal the President of the Anti Corruption and crime investigation cell in this regard from the MC presents the grim picture of the havoc created by the civic body officers with the act that aims in empowering the general masses. Just look at this fact since the implementation of act from February 2nd, 2006 to March 31st, 2007 the civic body received 682 applications under the act out of which only 281 have been answered by it but 401 out of them are lying pending with it.

Similarly from April 1st, 2007 to March 31st, 2008 the MC received 963 applications under the act out of which 452 are lying pending with the civic body. But the civic body created the mess in the last year as April 1st, 2008 to March 31st, 2009 it received 1143 applications under the act out of which only 353 have been answered and a whopping figure of 790 applications are still pending with it. In the same manner from April 1st 2009 till July 30th, 2009 the MC has received 310 applications out of which 184 are pending.

Talking to the TOI Sabharwal said that the present state of affairs as exposed by this information is only reflective of the chaotic state of affairs in the department. He said that all of this is despite the fact that the Punjab State Information Commission has penalized the MC officials more than two dozen times and has also directed disciplinary action under the Punjab Government Service Rules against their top brass. Sabharwal said that the basic intention of the MC officers behind

denying information under the act is that their misdeeds should not come out in open to the public.

15<sup>th</sup> Aug 2009

Info panel fines CDPO

The Times of India

|

PATNA: State information commission on Friday imposed a fine on the child development project officer (CDPO) of Dumra in Sitamarhi district for violation of Right to Information (RTI) Act.

The official failed to provide relevant information to one Subodh Kumar. The erring CDPO would have to pay fine at the rate of Rs 250 per day effective from May 25 this year with the upper limit of fine being Rs 25,000. SIC directed the official to provide relevant information to the applicant latest by September 22 this year and fixed September 29 as the next date of hearing in the case.

15 th Aug 2009

Highlights of PM's 2009 Independence Day Speech

The Hindu

A confident Prime Minister Dr. Manmohan Singh sent out a positive Independence Day message that India had self faith, political stability and economic strength to march towards "a golden future."

The Prime Minister calls for a "new era of cooperation and harmony in our national life." Asserting that people had rejected in the last election sectarian politics and have "chosen a political arrangement which is secular," the Prime Minister promises to take every one along and to create "an environment of consensus and cooperation in the country."

Spelling out his philosophy and priorities the Prime Minister asserted that his government will pay special attention to minorities. He insisted that caring for minorities is not appeasement.

## **Highlights of PM's speech**

- PM warns hoarders and black-marketers
- No one will go hungry
- No need to panic in the face of H1N1 flu. No disruption of daily lives.
- Effort to ensure that benefits of development reach all sections of society and all regions and citizens of the country.
- That every citizen of India is prosperous and secure and is able to lead a life of dignity and self respect.
- Restoring our growth rate to 9% is the greatest challenge we face. We expect that there will be an improvement in the situation by the end of this year.
- Appeal to businessmen and industrialists to join in effort to tackle difficult situation and fulfill their social obligation.
- This year there has been deficiency in the monsoons. We will provide all possible assistance to our farmers to deal with the drought.
- Date for repayment of farmers bank loans postponed. Additional support given to farmers for payment of interest on short term crop loans.
- We have adequate stocks of foodgrains. All efforts will be made to control rising prices of foodgrains, pulses and other goods of daily use.
- Country needs another Green Revolution, the goal is 4% annual growth in agriculture. Achievable in the next 5 years.
- Food security law under which every below poverty line family will get a fixed amount of foodgrains every month at concessional rates.
- Special care to be taken of needs of women and children. To extend the benefit of ICDS to every child below the age of six years by March 2012.
- NREGA program to be improved to bring more transparency and accountability into it.
- Right to Education Act enacted, funds will not be a constraint.

- We will give special attention to the needs of disabled children.
- Secondary education will be expanded through a program that will ensure that every child in the country gets its benefit.
- Will provide bank loans and scholarships to the maximum possible number of students to support their education.
- New scheme to help students from economically weaker sections get education loans at reduced interest rates. Will benefit about 5 lakh students in technical and professional courses.
- The Rashtriya Swasthya Bima Yojana to be expanded to cover every family below the poverty line.
- Additional funds allocated for Bharat Nirman - the programs for development of rural and urban areas to be speeded up.
- Accelerated efforts to improve physical infrastructure in the country. Construction of 20 Km of National Highways every day.
- Railways have started work on the Dedicated Freight Corridors.
- Road, Rail and civil aviation projects being implemented in J & K and the North Eastern States will be specially monitored.
- In a step to make the country slum free new scheme Rajiv Awas Yojana being launched.
- India will meet the challenge of climate change through 8 National Missions.
- The Jawaharlal Nehru National Solar Mission, aimed at increasing the use of solar energy and making it affordable will be launched on 14th Nov. this year.
- We need a new culture of energy conservation.
- More attention to programs for water collection and storage. "Save Water" should be one of our national slogans.
- Every government should be sensitive to people's complaints and dissatisfaction. But nothing is achieved by destroying public property

and indulging in violence and the government will deal firmly with such people.

- To root out terrorist activities, our security forces and intelligence agencies are being constantly upgraded. With cooperation from all sections of society we will succeed.
- Redoubled efforts to deal with militant activities. Will extend all help to the State Governments to make their police forces more effective.
- Those who think that they can seize power by recourse to the gun do not understand the power of our democracy.
- Will endeavour to remove those causes of social and economic dissatisfaction which give rise to problems like naxalism.
- Seek active partnership of the our Scheduled Caste and Scheduled Tribe brothers and sisters in our development process.
- The schemes for the welfare of the minorities to be taken forward.
- Funds enhanced substantially for the special schemes for development of minority concentration districts.
- A Bill to prevent communal violence has been introduced in Parliament and efforts will be made to convert it into a law as soon as possible.
- Female foeticide is a shame on all of us. We must eliminate it as early as possible.
- Our government is committed to the early passage of the Women's Reservation Bill.
- Working on a legislation to provide 50% reservation for women in rural and urban local bodies.
- National Female Literacy Mission to be launched, Aims to reduce female illiteracy by half in three years.
- Have accepted the recommendations of the committee on the issue of pension of ex-servicemen. This will benefit 12 lakh retired jawans and JCOs.

- Will take care of the special needs of the backward regions with redoubled efforts to remove regional imbalances.
- Government constantly endeavours to make the North Eastern States equal partners in the country's progress. Without their well-being the country cannot move forward.
- There have been two elections in J& K in past year with people participating vigorously. Proof that there is no place for separatist thought in the state.
- Endeavour to ensure that human rights are respected J&K and all its citizens are able to live in peace and dignity in an environment of safety and security.
- As far as our neighbours are concerned, we want to live with them in peace and harmony. Will make every possible effort to create an environment conducive to the social and economic development of the whole of South Asia.
- Benefit of good programs will not reach the people till the government machinery is not corruption free. Public administration to be more efficient.
- Need to improve delivery systems to provide basic services to our citizens.
- Renewed efforts to decentralize public administration through the Panchayati Raj Institutions and to ensure greater involvement of people.
- Initiative will be taken for a new partnership between the civil society and the government so that tax payers' money is better spent.
- Right to Information Act to be improved to make it is more effective and enhance accountability and transparency.
- Special efforts to strengthen administrative machinery for rural programs
- Unique Identification Authority of India set up. First set of identity numbers expected to be available in the next one to one and a half years.

- Nation building will be our highest duty.

14<sup>th</sup> August 2009

Dispose of RTI queries in 60 days: Gandhi

The Times of India

MUMBAI: Central information commissioner Shailesh Gandhi has given a new 'mantra' to his counterparts across the country for speedy disposal of applications filed under the Right to Information Act.

Before drafting a comprehensive action plan for his colleagues, Gandhi has ensured that he himself disposes of the maximum number of cases and that too, in a time-bound period. "I settle most of the cases within 60 days of filing. My monthly average disposal rate is 535. I feel that it's not difficult to achieve the target," Gandhi said in a letter to Maharashtra chief information commissioner Suresh Joshi.

Taking cognisance of Gandhi's advice, Joshi has convened a special meeting on August 28 of all five information commissioners to draft a new strategy to clear all 15,000-odd pending applications.

Gandhi pointed out that it was the responsibility of the information commissioners to provide information in a specific period or else, the very purpose of the landmark legislation will be defeated. In his action plan, Gandhi has said the application should be disposed of in 60 days since receipt of the RTI query.

Maharashtra was the first state to enact the RTI Act in October 2005 following a sustained agitation by anti-corruption crusader Anna Hazare. However, the Democratic Front government did not concede to his major demand that retired babus should not be appointed as information commissioners.

Currently, barring Pune information commissioner Vijay Kuvalekar, a veteran journalist, and Amravati commissioner Bhaskar Patil, a lawyer by profession, all commissioners are retired secretaries. Suresh Joshi was MMRDA commissioner before his appointment, while Ramanand Tiwari, Mumbai commissioner, Navin Kumar, Konkan commissioner, retired as additional chief secretary. Nagpur commissioner Vilas Patil was secretary, Maharashtra legislature secretariat and Aurangabad commissioner Vijay Borge was PWD secretary before his appointment.

With regard to pending cases, Kuvalekar felt that there was an urgent

need to draft appeal rules. "Most states have drafted comprehensive appeal rules. As a result, in these states, there is speedy disposal of cases," Kuvalekar said.

Elaborating, Kuvalekar said Karnataka has formulated new appeal rules, which provide that in one application, the applicant will be permitted to seek information on one issue. In Maharashtra, applicants are asking for such information that the department will require at least three months to compile. "In one case, an applicant has asked for information on 720 schools in Pune region. I don't think that such kind of information can be provided within the stipulated period of 60 days," Kuvalekar said.

He said that instead of the number of cases disposed, more attention should be paid on quality of the orders. "Quick disposal of cases is important, but at the same time, we should ensure that justice is done to the applicant," he said.

Another information commissioner said, there should be restriction on the number of applications a person can file. In Nagpur, an applicant has filed 300 applications over a period of time, while in Sangli, an applicant has filed 225 appeals in three months.

A senior official said, since the enactment of RTI, 24,292 cases were disposed of, while 14,794 cases were pending before different commissioners.

13<sup>th</sup> August 2009

RTI applicant asked to cough up Rs 17.44 lakh as photocopying charges

The Times of India

CHENNAI: B Sivagami Sundaram, a social worker from West Tambaram, was aghast at the reply he received from the Tamil Nadu food department in response to an application he had recently filed under the Right to Information (RTI) Act. The department had asked him to pay Rs 17.44 lakh as photocopying charges to enable it to provide the information he sought.

The department's reply stated that as prescribed under RTI rules Sundaram would have to pay Rs 2 a page to get information that

would run into 8.72 lakh pages.

It took a while for Sundaram to realise that he had omitted mentioning a couple of words in his application, resulting in authorities misinterpreting his query and demanding such a huge sum.

In his application, Sundaram had wanted to know the number of people covered under the public distribution system (PDS) in the state district-wise and taluk-wise. He had also asked the public information officer to provide the names of the districts and taluks concerned. However, while writing out the application, Sundaram mentioned only names' and omitted the words districts and taluks'. The public information officer thus assumed that the names of all the people in the state covered under PDS would have to be furnished. Tamil Nadu has about two crore ration cards, covering more than six crore people.

Sundaram says he will move the state information commission with necessary clarification. "It is a lesson not only for me but for others as well - that an RTI application should be very clearly worded. Otherwise, authorities could misinterpret your query or even take the opportunity to block information," he said.

12<sup>th</sup> August 2009

MC official tenders apology

The Times of India

LUDHIANA: Fearing an action under the Right To Information (RTI) Act, due to his delay in providing information regarding illegal encroachments in city, an assistant commissioner of the municipal corporation (MC) has tendered a written apology to the commissioner.

According to information, Rohit Sabharwal, the president of Anti Corruption and Crime Investigation Cell had applied for time bound information from the MC regarding removal of illegal encroachments in city. However, as he was not able to get the desired information even after the prescribed time limit, he appealed the first appellant authority cum MC commissioner to supply the relevant information.

But, when he too did not render the desired information, the applicant moved the chief information commissioner and demanded severe action against the guilty officials under the service rules. The applicant also sought imposition of fine on the officer for delay in information.

Taking cognizance of the breach, the state information commissioner then issued a showcause notice to the public information officer cum assistant commissioner, VK Sharda, on June 26 for imposing penalty on him for delay in supply of information and awarding compensation to the appellant for loss and detriment suffered by him.

Meanwhile, on July 7, assistant commissioner Sharda submitted an affidavit explaining the reason for the delay. Similarly, on August 4, Sharda asked for unconditional apology and exemption from levying of the proposed penalty on him from the commission.

Accepting his plea on the fact that during the pendency of application in the instant case more than one PIOs were posted for small durations, no penalty was imposed on the PIO.

However, in the orders issued on August 6, the state information commissioner, Surinder Singh awarded a compensation of Rs 1,500 to the appellant for loss and detriment suffered by him. Meanwhile, VK Sharda was not available for comm

11th August 2009

On Right way, he crusades for info

The Times of India

LUDHIANA: Jaskirat Singh could well be the new-age champion for Right to Information Act, for this 32-year-old techie knows that it can empower ordinary citizens to tread extraordinary paths. The first one from Punjab whose IT company, Webro Soft Solutions Pvt Ltd, was recognized by NASSCOM, the soft-spoken youth journey began with some awareness campaigns that he ran in 2006 after well-known RTI activist Arvind Kejriwal encouraged him to do so.

But Jaskirat's most significant contribution is easily a software that he designed for providing detailed information about candidates in the poll fray during fifteenth Lok Sabha elections. From their financial assets to criminal records, everything was made available to general public directly or through media reports.

Over 70 reports were prepared by a group of IT professionals and activists in Mumbai, Delhi, Hyderabad, Jaipur and Bangalore while using the software, says this RTI champion.

Not many know but the phone number that was flashed during Aamir Khan's famed 'Sache Ko Chuno, Ache Ko Chuno (Choose the true one, choose the good one) campaign before the general elections was Jaskirat's

In 2006, I converted my office into an awareness camp office for RTI. The results amazed me and Arvind Kejriwal, who encouraged me a lot. He even suggested my name to the dean of IIM Bangalore, Prof Trilochan Shastri, who runs the Association for Democratic Reforms, an NGO, the humble sardar adds. Along with the NGO, Jaskirat worked passionately to create the software that laid bare shocking information about many candidates who were trying to make it to the Parliament. Jaskirat's parents, both retired teachers, are very proud of their sons' achievements.

While his loving wife, Navneet Kaur, has been the young professional strength, his two-year-old daughter Birti is clearly his pride and joy. Always willing to explore newer avenues, Jaskirat has now bought 2.5 acre land to try his hand at organic farming.

10<sup>th</sup> Aug 2009

Frauds galore as properties are registered without verifying records

The Times of India

CHENNAI: Land sharks in Tamil Nadu are reportedly benefiting from the government's inability to provide a common platform for verification of land records and the failure to make such verification mandatory for registration of property at sub-registrar offices.

Fraudsters encroach upon land when the owners fail to keep constant watch on their assets. In one such case, a commercial property on Venkatanarayana Road, measuring 5,495 sq ft and worth more than Rs 9 crore, was allegedly sold using fake power of attorney status without the owners' knowledge.

According to the police, T M Burhanudeen, the original owner, died in 1984. In November 2008, some fraudsters through impersonation and

fake power of attorney status sold the land to a business group without the knowledge of Burhanudeen's family members, settled in Tiruvarur district. The fraud got exposed when one of the tenants, E Ravindran, set out to trace the land owner. "All through the past 18 years, an agent of the owner collect rent from us. None of us saw the owner. Only when I met A A Jahabar Nachia, wife of the owner, did I come to know that her husband died 25 years ago," said Ravindran.

Burhanudeen's legal heirs have now filed a case before the city civil court in Chennai to reclaim the land. Ravindran too has moved the court and also filed a police complaint to bring to book the culprits.

T Nagar assistant commissioner of police R Kannabiran told TOI: "We have received a complaint from Ravindran and it is confirmed that the owner died in 1984. The Mambalam inspector is making preliminary inquiries. We will get a statement from the legal heirs of the deceased and register the case for forgery. It could take a few days."

J Inder Chand Nahar, whose four sons purchased the property, told TOI, "To our knowledge, Burhanudeen gave the power of attorney last year. Beyond that, I do not want to say anything now."

In another case, a group of people redrew a 1974 layout Shanthi Nikethan at Thoraipakkam two years ago and added four more residential plots in the middle of the layout claiming that there was excess land. It was originally approved by the Directorate of Town and Country Planning (DTCP) as it was created before the formation of the CMDA. The people who added four new residential plots, shifted the roads and redrew the boundaries of the plots to accomplish their mission. As a result, a 50-foot road at the entrance of the layout was converted into residential plots and the road shifted to the nearby government poramboke land, according to one owner. As per the rules, once a road in an approved layout is handed over to the local body it cannot be altered.

V Sridharan, who owns two plots in the layout, made representations to the DTCP, district collector and Thoraipakkam panchayat authorities. To his application under the Right to Information Act seeking a copy of the original approved layout, the DTCP, the approving authority, said it did not have a copy and that the applicant could obtain it from the local panchayat. Representations to the panchayat too yielded no result, said Sridharan. Panchayat authorities wanted him to accept the revised layout which is different from the original one the one he got when the property was registered. "If I go

by the revised layout, I will end up constructing my house on a 30-foot road earmarked in the DTCP-approved layout," he lamented. Responding to his representation, the Kancheepuram collector has ordered Chengalpet revenue divisional officer to conduct an inquiry. "I have been asked to attend the inquiry on August 17," said Sridharan.

Thoraipakkam village administrative officer P N Baalu, when contacted, said, "It happened two years ago. I do not remember. Let the RDO conduct the inquiry. We will face it."

Thoraipakkam panchayat vice-president T C Govindasamy said: "By mistake, the DTCP authorities missed out on some land in the middle of the layout when the approval was given in 1974. When the layout promoter realised it two years ago, he took up the matter with the authorities and got those four plots included. There is no fraud in the whole exercise."

A revenue official said: "The only way to ensure greater transparency in land deals is to computerize all land documents and put them on the department's website for people to verify."

9<sup>th</sup> Aug 2009

PCMC disconnects power to 3 illegal mobile towers

The Times of India

PUNE: Power supply to three unauthorised mobile towers were discontinued in a joint drive held by the Pimpri-Chinchwad Municipal Corporation (PCMC) and the Maharashtra State Electricity Distribution Company Limited (MSEDCL) on Saturday.

This is the first time that the PCMC has taken action against unauthorised mobile towers within the municipal limits. It may be noted that PCMC standing committee member and corporator Ramdas Kumbhar had sought information regarding unauthorised mobile towers within the municipal limits under the Right To Information (RTI) Act in June 2008. The PCMC's building permission department had replied that there were 343 mobile towers in the municipal limits, as per the 2008 figures, out of which only 17 were authorised.

Speaking to TOI, deputy city engineer of PCMC Vasant Kachi said power supply to two unauthorised mobile towers in Phugewadi and one unauthorised mobile tower in Kalewadi were discontinued.

Kachi said, "The executive engineers of the respective zonal offices had served notices to the owners of the land/ building where these unauthorised mobile towers are located. The local people have also complained and demanded that the mobile towers be removed."

"Officials from the PCMC's electricity department contacted the MSEDCL officials who participated in the drive and disconnected the power," he said.

In Kalewadi, the unauthorised mobile tower is located in Tapkirnagar area. N M Sayyad, a local resident, said, "I have complained to the civic administration about the unauthorised mobile towers in our locality. There are four to five mobile towers located in half-a-kilometre area. The radiation from these mobile towers could have a bad effect on the health of the people living in the areas."

Sayyad said the PCMC should decide upon a specific distance that needs to be maintained between two mobile towers within the municipal limits.

Local Congress corporator Macchindra Tapkir said, "I have written a letter to the municipal commissioner demanding that action be taken against around 350 unauthorised mobile towers within the municipal limits over the next few days. If no action is taken, I will go on a hunger strike from August 12."

9th Aug 2009

Former bureaucrat asks YSR to review KG basin gas allocation

The Hindu

Visakhapatnam: Convener of Forum for Better Visakha E.A.S. Sarma has asked Chief Minister Y.S. Rajasekhara Reddy to intervene and protect the interest of the State in utilising the gas available in the Krishna-Godavari basin.

In a strongly-worded letter to Dr. Reddy, the former IAS officer reminded him about the letters written by him earlier about the way things were going against the State's interests, both in terms of the allocation of gas and its pricing.

He said the State Government for some strange reason, chose to remain a passive spectator while both the Reliance Industries Limited (RIL) and the Central Government continued to trample on the interests of the people of Andhra Pradesh.

"In fact, the Petroleum Minister's statement in Parliament had indirectly confirmed my fear that AP had been the net loser in the bargain, entirely due to the State Government's failure to press the State's case with the Centre."

In the recent letter, he stated: "I am not sure whether your government is fully aware of the facts about the investments made by RIL in the KG basin and the unit cost of production. While I am still struggling with the Cabinet Secretariat and the Ministry of Petroleum and Natural Gas to get this information under the Right to Information Act, 2005, I understand that the unit cost, as declared by RIL to Director General of Hydrocarbons (DGH) under the mandatory clause of the Production Sharing Contract, may not exceed 90 US cents per MMBTU."

If the norms set out by DGH were to be applied to this estimate, the unit cost may be several magnitudes lower than this figure. "Has your government ever tried to ascertain this information from the Centre? Obviously not," Mr. Sarma, former Union Power Secretary regretted.

He pointed out that "despite my continuing exhortations with you, you chose not to answer my letters. Though your government had made a few feeble noises in the beginning, you chose tacitly to accept the price of gas at \$4.20 per MMBTU to the detriment of the State's interests."

Mr. Sarma said when there was a government at the Centre ruled by the same party belonging to the Chief Minister, the people of the State expect that Dr. Reddy would be able to act in a manner that should help, not hurt, the cause of the State.

8th August 2009

Case against 13 cops accused of fake encounter; justice awaited

The Times of India

LUCKNOW: It took the intervention of high court to get a complaint lodged against thirteen cops for killing a man in an alleged fake encounter that took place here on June 14, 2006. This was brought to light here at a press conference organised by an international agency working for human rights protection.

The agency claimed that a man whom they identified as Sanjay Singh of Chandauli was allegedly killed by Lucknow police in a fake encounter in the state capital. Later, when the family members of the victim approached the police they were allegedly threatened. "They after being disappointed from everyone came to us and we decided to take their case further," said Lenin, the convener of the agency.

It was on the high court order that a case of murder under section 302 of Indian Penal Code (IPC) was registered against 13 cops in February this year. Those accused include the then station officer (SO) of Ghazipur police station, Mohan Verma and 12 other policemen.

Lenin added, "It's been over three years after the incident and we have still not got justice. We even filed an application under the Right to Information Act last year, in order to know if Sanjay had a criminal record but till now we have not got any information with regards to that."

A former IPS officer, S R Darapuri, who was also present during the press conference, said, "The present Uttar Pradesh police is doing encounters at will without gathering enough proofs against the victim."

"This is the reason the maximum number of fake encounter killings that goes before the National Human Rights Commission (NHRC) is from Uttar Pradesh," said Ashish Awasthi of Uttar Pradesh Shehri Gharib Kaamgar Sangharsh Morcha.

Some of the others present on the occasion were Meenakshi Ganguly and Naureen Shah as the organisers of press conference.

8<sup>th</sup> August 2009

ARD apathy delays project for e-enabling UPSIC

The Times of India

LUCKNOW: The digitalisation of records is next on the anvil for UPSIC. But sources at the commission rued that e-enabling project would have been half way through by now had the nodal department reacted on time. The funds from GoI had come to the commission in December 31 but the money could be put to use only now after UPSIC got its bank account opened. Courtesy, the laidback attitude of administrative reforms department.

"Thanks to GoI that got the cheque re-validated or we would have lost the Centre's help," said sources. The administrative reforms department (ARD) which is the nodal agency for implementing the Right to Information Act in the state reacted after several reminders from SIC but by then the cheque had already lapsed. "Even department had then requested GoI to re-validate it," said sources.

The department of personnel and training (DoPT) is set to make State Information Commissions (SICs) IT-enabled. UPSIC is one of the 19 SICs to have got the funds under centrally-sponsored scheme. The funds will be used only for digitalisation of SIC records and development of a user-friendly website.

The commission had got Rs 14.70 lakh as the first instalment for e-enabling project for the entire financial year through a cheque addressed to the UPSIC. "We would have started earlier but it was difficult getting the cheque encashed as we had no account for submission," said sources.

The three reminders were sent to the department on January 15 and 27 and on February 10 after cheque reached the commission on December 31. But, it was only after a letter was written to chief secretary Atul Kumar Gupta by the then acting chief information commissioner Gyanendra Sharma and the matter brought to his knowledge that ARD reacted and allowed the commission to open the account on March 31.

But the date being the closing of financial year, none of the banks could open the account on the day. By then the cheque had invalidated and commission and ARD had to request to the GoI to re-validate it. The remaining amount of the total Rs 21 lakh will be released later by the GoI.

Meanwhile, the commission has already started working on e-enabling

by purchasing equipments and updating the website. GoI has strictly instructed that funds will not be utilised for manpower.

6th Aug 2009

Raids on hoarders bring toor dal prices down

The Hindu

GULBARGA: The raids on the government and private warehouses and the godowns of the Dal Mills in Gulbarga district to unearth the illegal storage of the Red Gram had the desired impact on the wholesale and retail market of the unprocessed and processed Toor Dal.

According to the sources in the Agriculture Produce Marketing Committee (APMC), the prices of the unprocessed Toor Dal which was hovering around Rs 6700 to Rs 7000 per quintal prior to the raids conducted on the warehouses and godowns by the Revenue, Food and Civil Supplies and APMC officials had crashed to Rs 5600 to Rs 6000 per quintal now.

The crash in the prices of the unprocessed Toor Dal in the wholesale market also had its impact on the retail market with the prices of the Toor Dal coming down marginally from Rs 95 per kg prior to the raids to Rs 85 per kg now. Meanwhile, the District Administration which had ordered the warehouses and godowns not to release the stored unprocessed and processed Toor Dal till the verification of the stocks is completed to know the real owners of the stocks, had relaxed the restrictions and started releasing both the unprocessed and processed Toor Dal.

Senior officials of the district administration who did not wish to be named told *The Hindu* that there was no truth in the allegations that the district administration had buckled under pressure from vested interests and the traders lobby to release both the processed and unprocessed toor dal.

The officials said every single bag of the Toor Dal which has been allowed to be lifted from the warehouses and godowns were released only after completing the verification of its owners and genuineness of the claims of the ownership by looking into the Record of Rights, Khata and other records possessed by the farmers.

The officials also said every single warehouse and godown in the district has been raided and a total of around 3 lakh quintals of processed and unprocessed Toor Dal was found to be stored in these places. "Anybody can come and verify the records about the raids and the process followed while releasing these stocks and we are ready to provide the details of the entire operation under the Right to Information Act to any individual or organization".

The district administration has so far allowed the traders and farmers to lift 1.08 lakh quintals of unprocessed Toor Dal and 19,245 quintals of processed Toor Dal after verification of the documents presented by the farmers and traders. The remaining stocks would only be released after the verification of the documents.

The officials clarified that the Dal mills enjoy the right to store the processed and unprocessed toor dal for 30 days of its daily milling capacity. If a Dal mill has a capacity to process 100 quintals per day, it can store 3000 quintals of Red Gram for a month. Similarly the traders can store upto 2000 quintals of processed Toor Dal at the wholesale point and 50 quintals at the retail outlet, as per the notification issued by the government and this would not amount to hoarding.

4th August 2009

Govt puts off judges' assets bill  
The Times of India

NEW DELHI: Politicians have long been on the receiving end of judiciary's insistence on transparency. On Monday, it was their turn to wave the same principle at judges in the Rajya Sabha.

Members in the upper House cutting across party affiliations joined hands to force the government to defer the introduction of the Judges (Declaration of Assets and Liabilities) Bill on the ground that the bill exempted judges from making public their assets and provided immunity against an inquiry.

The protest, which was joined by at least two members from Congress - Jayanthi Natarajan and Rajeev Shukla - forced the government to put off the introduction after the Opposition demanded that the bill be referred to Parliament's standing committee and threatened to press

for a vote.

The government has decided to hold talks to evolve a consensus and bring back the legislation in the winter session.

While the retreat highlighted the ruling coalition's lack of strength in the upper House while underlining the need for it to take the consensus route on potentially contentious issues, Congress MPs - those who did not come out to oppose - appeared to be indulgent of the protest.

In fact, to many, the protest had the shades of a retaliation by the political class which has frequently been forced by the insistent judiciary to submit to the requirements of a clean public life. But the argument for level playing field in matters of transparency was very strong, and the MPs backed that up by invoking verdicts of the Supreme Court.

Even before law minister Veerappa Moily could introduce the bill, Leader of Opposition Arun Jaitley objected to it, specially clause 6 of the bill that does not allow declaration of assets and liabilities to be made public or be questioned by any citizen, court or authority.

Jaitley said the provision along with the one providing judges immunity against inquiry was against the spirit of Article 19 (1)(a) of the Constitution. He cited the Supreme Court order asking citizens contesting elections not only to declare their assets, liabilities, educational background and criminal antecedents but also that it could be made public. "The law was laid down by the Supreme Court and the law was based on the understanding of Article 19 (1)(a) of the Constitution of India, and, on the strength of freedom of expression which they said, also includes the right to information as far as people are concerned," he said.

Jaitley asked how there could be two sets of interpretation of Article 19 (1)(a). He also objected to government circulating the draft bill to the judiciary. He said Parliament had the sole right to make laws and other bodies, howsoever competent, could not be allowed to interfere.

Brinda Karat (CPM) said the bill violated the basic feature of Constitution which was equality of all citizens before law. The bill, she said, put judges above the basic feature and therefore was ultra vires of the Constitution. She also pointed out that the bill violated the Right to Information Act that was already part of statute books.

Jayanthi Natarajan (Congress) objected to section 6 of the bill and demanded that it be referred to the standing committee.

Ram Jethmalani (nominated) said under the Keshvanand doctrine, this bill was totally ultra vires. The independence of judiciary was the basic feature of our Constitution, he said. "What this bill does is, it creates a suspicion in the public mind that the judiciary is seeking favours from the executive," he said.

3<sup>rd</sup>Aug 2009

Blow to RTI: Judges assets' bill today

The Hindustan Times

In what is being termed as the first nail in the RTI (Right To Information) coffin, the government is set to bring a bill in Rajya Sabha on Monday enabling judges to keep details of their wealth out of the public realm.

Titled "The Judges (Declaration of Assets and Liabilities) Act, 2009", the bill will guarantee that the assets of Supreme Court and high court judges are kept confidential, except when the chief justice of India thinks otherwise.

If this bill goes through, high court and Supreme Court judges will be the only people exempted from public scrutiny of their assets, a privilege not extended even to the President and the Prime Minister. Barring judges' assets, only strategic and security issues are outside the purview of the RTI Act.

"It is strange that the judiciary is being given this sort of exception," said Shailesh Gandhi, Central Information Commissioner, the first RTI activist appointed to the central information watchdog body.

RTI activist and Magsaysay award winner, Arvind Kejriwal, termed the proposed law as the first nail in the RTI coffin.

"What is the purpose of keeping the assets' records in the files?" he asked.

Opposition to the bill has started picking up. Jurists, including Fali S Nariman and former law minister Shanti Bhushan, have urged MPs to oppose the bill.

The new bill, a copy of which is in possession of HT, states in clause 6 that "no judge shall be subjected to any inquiry" on the basis of their declaration.

The bill proposes to make it mandatory for all high court and Supreme Court judges declare their assets — to their respective chief justices — and of their spouses and dependent children by July 31 every year.

1<sup>st</sup> Aug 2009

Declare assets, Zagade tells staff

The Indian Express

Pune : Employees as well as officials of the Pune Municipal Corporation (PMC) will henceforth have to declare their assets, which could be viewed by the public. Civic chief Mahesh Zagade has issued a circular to this effect recently.

With the circular, officials including the Class I and Class II as well as the employees will have to submit the documents to the civic body. With this move, the assets of these officials will come before public scrutiny.

Right to Information (RTI) activists have since long been demanding the introduction of this move at the civic body. They were saying that like the Brihanmumbai Municipal Corporation (BMC), this could be brought into implementation at the PMC.

This circular excludes only the Class IV employees. The officials will now have to submit their assets with the properties purchased in the name of their close relatives of family members.

Meanwhile, state government has released union government's share of Rs 216 crore to the Pune Municipal Corporation (PMC) for carrying out various civic works under Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

A government resolution (GR) has been passed by the state recently in this regard.

"With these funds, the civic administration, that has been facing hard financial crunch, will get some relief and the contractors, who had not been paid despite completing the civic works, will be given their dues," Congress leader Ulhas Bagul told reporters on Friday.

The union government has given its share to the state government. Bagul said, "City MP Suresh Kalmadi put in efforts to get these funds from the state government and Chief Minister Ashok Chavan also readily gave consent and issued a GR in this regard."

Out of the Rs 216 crore, Rs 108 crore had been used for CYG, Rs 59 crore for Bus rapid Transit System (BRTS), Rs 25 crore for stormwater drains, Rs 17 crore for river improvement and Rs 10 crore for setting for sewage treatment plant (STP).

When Mooly insisted on making the introductory remarks, Sitaram Yechury (CPM) pointed out that the question was about the introduction of the bill itself. Deputy chairperson K Rehman Khan cited two Rajya Sabha rulings on a bill being ultra vires and power of the House on introduction of a bill. "It is for the House to decide," he said.

Yechury protested again and said the issue of introduction had to be sorted out first. He did not agree that all concerns could be addressed in the standing committee, saying the government was free not to accept the panel's recommendations. Venkaiah Naidu (BJP) demanded division resulting in the government agreeing to defer introduction of the bill.