

## News on Right to Information

*Compiled by*

**Ms. M. Shanthi, Manager (Knowledge Resources)**

11<sup>th</sup> November 2008

Info about Nano project denied under RTI

The Times of India

AHMEDABAD: When the state government signed an MoU with Tata Motors Ltd (TML) for the Nano car project, the government claimed it was as per existing norms and regulations. But now, industries department has denied access to the MoU and other related information sought under Right to Information (RTI) Act.

Under RTI, TOI had sought a copy of the agreement through an application dated October 10. However, a month later the information has been denied by the industries department through a letter interestingly dated October 24, but stamped November 7. The letter signed by the departments public information officer (PIO) BS Mehta says that since the application seeking information pertains to a third party, it is necessary to issue notice to the company for making submissions under Section 11 of RTI.

According to the PIO, TML has requested not to let out any information regarding the Nano project since this will harm the company's competitive position. Moreover, the information sought is related to TMLs trade secrets, the PIO said.

"The matter has been considered. Taking into account the submissions made by TML and other relevant factors, it is regretted that in accordance with provisions under Section 8(1)(D), I am not able to give any information in this regard as it will harm the competitive position of the company, if the information is disclosed," the letter states. Interestingly, the PIO has neither elaborated on TML's submissions, nor the other relevant factors. Under RTI, the PIO after hearing the submissions of a third party, in this case TML can allow access to the information despite the third party objecting to its disclosure. This is legitimate if public interest outweighs the importance of any possible harm to the third party's interest.

According to RTI activists, the MoU and its conditions should have been made public as part of the industries departments proactive disclosure. RTI under Section 4 mandates that a public authority should publish all relevant facts while formulating important policies or announcing decisions which affect public.

"If an industry is given government land, concessions cant be held as private information. In such a case, concessions given would affect the exchequer in terms of

collection of charges and dues. This is not even third party information, the department should, in fact, put a copy of the MoU on its website proactively," says RTI activist Harinesh Pandya.

9<sup>th</sup> November 2008

NRIs find it tough to get info through RTI

The Times of India

NEW DELHI: Over a year after public information officers were appointed at Indian embassies and high commissions, access to information still eludes non-resident Indians. The Indian diaspora has not had much luck in getting information through the Right To Information Act as the mode of payment to public authorities and the scope of work continues to be vague.

One of the major obstacles that NRIs face is that embassies and high commissions accept only applications related to them and not to other public authorities. According to United States-based Association for India's Development (AID), the Indian embassy-appointed PIOs and appellate authorities only accepted RTI applications related to them. "Applications addressed to other public authorities in India were returned," Arun Gopalan, AID volunteer based in Washington D.C. said.

The other problem that NRIs face is lack of provision to pay the application fee. "Even after three years, the government has not specified any procedure for remitting of the fees in rupees," Commodore Lokesh Batra (retd), RTI activist currently in Boston, said. Applicants have pointed out that getting treasury challans or postage stamps is a difficult task.

In addition, NRIs have found it cumbersome to get acknowledgments to RTI applications filed with various central and state public authorities. Gopalan, who has filed several RTI applications to public authorities in India through the Indian embassy in Washington D.C., is still waiting for a hearing on his complaint filed under section 18 in December 2007. "I hope the Central Information Commission will instruct the Indian embassy to forward applications to other public authorities," he said.

Software engineer in Los Angeles Vishal Kudchadkar had filed an RTI application requesting information regarding the decision of the embassy not to forward applications not pertaining to them. He received evasive replies from the PIO and has filed a complaint under section 18 with the CIC and is also awaiting a hearing. The result: even after three years NRIs are unable to participate in the transparency and accountability movement that promises to improve governance in India.

5<sup>th</sup> November 2008

Now, post offices to sell stamp papers

The Times of India

NAGPUR: The Department of Posts is tying up with the state government for vending stamp papers through its counters. These are non-judicial stamp papers at present available through private vendors, especially near the Tehsil office in the city. The papers are available in denominations from Rs 10 to 100. They are used for signing various agreements and other legal formalities. Stamp papers are procured by the licensed vendors from the treasury department.

The Post Office eyes sale of stamp papers as major source of revenue. It expects to sell around Rs 1,000 crore worth of papers a year earning a decent commission income in the process. This is a part of the postal department's moves to increase its gamut of services in view of the changing scenario.

It is one of the latest moves by the department and staff was trained in stamp vending during this month. The facility would be launched after completing the further formalities, the post master general for Vidarbha M E Haque told TOI on the sidelines of a function to mark the World Thrift Day organised by National Saving Institute (NSI).

The post offices identified for the service include the General Post Office (GPO), and post office at Ayodhya Nagar. They have been selected on the basis of proximity to the courts and government offices where these papers are needed, added the officer. Post offices have been identified in Akola and Chandrapur too, said Haque.

He added that the department which was in a revamp mode planned to give a corporate look to the post offices. It would begin with some selected post offices throughout the country including the GPO in Nagpur. The post offices covered under the project will remain open up to 4 pm as against 3 pm for others. There would be standard signages, better counters and better management of mail.

The department also began selling gold coins through its counters and entered into an agreement with Reserve Bank of India for distributing currency coins.

### **Diversifying business**

NAGPUR: With its core business of delivering mails declining or eaten up by private courier companies, post offices have seen a huge fall in revenue. However, in the last few years, Department of Posts has come up with newer ways to perk up its revenue.

It now sells not just postal services and stationery but a number of other services as well. Despite expansion of banking services, post office savings instruments remain popular in rural areas as well as with conservative urban investors.

It has begun accepting loan applications of State Bank of India. Recently it began

vending gold coins and distributing currency coins in association with RBI. It also accepts applications under the right to information act and sells select products of general insurance companies.

4<sup>th</sup> November 2008

Make judicious use of RTI: PM

The Times of India

NEW DELHI: Warning against the misuse of the Right to Information (RTI) Act, Prime Minister Manmohan Singh on Monday said that "vexatious demands" should not be allowed to deprive genuine information seekers of their legitimate claims on limited public resources.

He was speaking at the inauguration of the third annual convention of the Central Information Commission. Noting that there has been an exponential growth of requests for information by the people in the last three years since the Act came in force, the PM emphasized the need for proactive disclosures by the public authorities. Singh said the RTI was a powerful instrument of citizens' empowerment. It was indicative of the process of nurturing democracy and the assertion of people's power at various levels of government.

"Democracy is not just about asserting our own identity. It is also about respecting the rights of others. Our citizens must also constantly remember that democracy is not just about rights. It is also about responsibilities," he said.

Democracy was not just about seeking benefits but also about contributing to the process of nation building, he said adding, "Even as we celebrate our individual empowerment through legislations like the Right to Information Act, let us not forget our collective responsibilities and concerns of our national goals."

The PM said his government took "great pride" in the implementation of the revolutionary enactment of RTI Act which placed huge powers in the hands of the ordinary citizens to demand a transparent and accountable administration.

Minister of state in Prime Minister's Office Prithviraj Chavan, who was present on the occasion, said the success stories showed that the Act was effective. The government, he added, was making efforts to identify areas that needed to be strengthened. Chief Information Commissioner Wajahat Habibullah said this year's convention has representatives from Pakistan, Bangladesh, Sri Lanka and Nepal which would take the movement to the South Asian region.

4th November 2008

Judges' wealth info can't be shared'

The Hindustan Times

The Supreme Court on Wednesday said details of judges' wealth were "personal information" which can't be made public, and told the Central Information Commission (CIC) that there is no law which makes the declaration of judges assets mandatory.

"Details of judges assets are held by the Chief Justice of India and High Court chief justices in their personal capacities, and this is an extremely personal information," Additional Solicitor General Amrendar Sharan told the information watchdog.

Sharan, who represented the Supreme Court before a three-member full bench of the CIC, said: "There is no law which requires the chief justices to hold information about the details of judges' wealth, and the CJI is not an administrative authority for the judges." Sharan's comments came as the CIC bench heard an appeal filed by a Delhi resident, Subhash Chandra Aggarwal.

Aggarwal had approached the CIC after the Supreme Court refused him details of the declaration of judges' assets on his application filed under the Right to Information (RTI) Act.

The CIC bench, of Chief Information Commissioner Wajahat Habibullah and information commissioners A.N. Tiwari and M.M. Ansari, reserved its order after hearing both sides.

Earlier, Sharan opposed the appeal and said the information has been sought on the basis of a 1997 Supreme Court resolution, which was "voluntary and if any details were made public based on this, it would amount to breach of confidentiality".

Senior lawyer Prashant Bhushan, who represented Aggarwal, countered the argument: "A resolution adopted in a full court meeting attended by 22 Supreme Court judges, including the then CJI J.S. Verma, cannot be described as informal and voluntary. It is a part of the court records and is official."

He asked the CIC to clarify on who would provide information sought under the RTI Act from the Supreme Court. The judiciary has been consistently opposed to making public the details of judges' wealth. CJI K.G. Balakrishnan had said his office being a "constitutional post" was not covered under the RTI Act.

<http://www.hindustantimes.com/StoryPage/Print.aspx?Id=78e1bb25-881e-4042-9f3f-42a7ceb85ae6>

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3rd November 2008

Prime Minister Inaugurates Third Annual Convention Of Information Commissioners

Press Trust of India

The Prime Minister Dr, Manmohan Singh, has called upon the people to be conscious of our collective responsibilities and National goals. Citing the Right to Information Act as a powerful instrument of Citizen's empowerment, Dr. Singh emphasised the need for contributing to nation building. Inaugurating the Third Annual Convention of Information Commissioners here today, he said "our citizens must also constantly remember that democracy is not just about Rights. It is also about Responsibilities. Democracy is not just about asserting our own identity. It is also about respecting the identity of others. Democracy is not just about seeking benefits. It is also about contributing to the process of nation building.

Referring to the benefits of the Act reaching to the common citizen during the last three years since the Act has been in force, Dr. Singh called for more pro-active and voluntary disclosure of information. The public authorities, he added must endeavour to voluntarily put out in the public domain information of use to citizens. He termed this as a major challenge for public authorities in the arena of information house keeping. The Prime Minister also called for removing bottlenecks and some difficulties that applicants find to file applications such as limited modes of fee payment, adequate attention to the training of personnel and modernisation of records management. In addition, there is a need for greater publicity to the provisions of the Act, Dr. Singh added.

The Inaugural Session was attended among others by Shri Prithviraj Chavan, Minister of State, Prime Minister's Office and Shri Wajahat Habibullah, Chief Information Commissioner.

Following is the text of the Prime Minister's address on the occasion:

"I am very happy to be here in your midst for this third Annual Convention of Information Commissioners. I compliment the Central Information Commission for bringing all of you together and also for inviting participants from our neighbouring countries of South Asia to this Convention. Regional cooperation in South Asia can acquire a new meaning if we agree to share our experiences in processes of governance and learn from each other. I sincerely hope this Convention will promote greater mutual understanding of processes of governance in our region.

Our Government takes great pride in the implementation of the Right to Information Act. It is often said that in modern society information is power. By sharing that information with the people at large, we are therefore, proposing decentralisation and participatory governance. It is revolutionary enactment that has placed huge powers in the hands of the ordinary citizen of the country to demand a transparent and accountable administration. This transition from a tradition of secrecy in official matters has of course not been easy. It has involved not only the setting up of an appropriate institutional mechanism but also a change in the mindset of public servants.

I am happy that reports in the media show that the benefits of the Act are now reaching the common citizen. It is a matter of great satisfaction for us that the legislation has begun to facilitate a greater flow of information from public authorities to the common man. There are many heart-warming stories of problems faced by ordinary men and women, like getting a ration card or an electricity connection, being resolved through a simple procedure of filing an application for information under this Act. I see in all this a gradual but steady process of building a more accountable, transparent and citizen-friendly government.

I understand that there has been an exponential growth of requests for information by our citizens over the last three years the Act has been in force. Statistics show that the majority of Information Commissions are ordering disclosure of a vast range of information hitherto unavailable to the citizen. This is, in addition, to information that is being provided by Public Information Officers and the First Appellate Authorities. I am told that, in comparison to the first year, in the second year the number of requests that were rejected has come down by more than 4%. The measure of success in empowering citizens with information, however, should not be limited to the reduction in the number of rejection of requests by public authorities. There must be enhancement in the quality of voluntary disclosure so that information seekers are not required to join long queues.

Public authorities in our country have still to go a long distance in proactive disclosures. They must endeavour to voluntarily put out in the public domain information of use to our citizens. This will be a major challenge for public authorities in the arena of 'Information Housekeeping'. By improvement in data management practices and by computerization of records and work flows the time may not be far off when citizens may locate on their own the status of their requests in the work flow artery of public authorities. The Act itself in section 4 mandates as much. I am told that this has been integrated into Government plan of e-governance calling for the computerization of all Central Govt. Organizations.

There are also some difficulties in the implementation of the Act that we must remove. Applicants find it difficult sometimes to file applications because of procedural bottlenecks. The modes of payment of fees are also somewhat limited. At many places adequate attention has not been paid to training of personnel, and modernizing of records management systems. There is also a need for greater publicity of the provisions of the Act. I am sure that all these issues will be discussed upon in the Convention.

The Right to Information Act is a powerful instrument of citizens' empowerment. It is indicative of the process of nurturing of our democracy and the assertion of people's power at various levels of Government. However, our citizens must also constantly remember that democracy is not just about Rights. It is also about Responsibilities. Democracy is not just about asserting our own identity. It is also about respecting the identity of others. Democracy is not just about seeking benefits. It is also about contributing to the process of nation building. We are passing through a phase in our national life when each one of us is more conscious about our Rights, our entitlements, and about our identities. But we do not seem to be really equally conscious of our Responsibilities, our social obligations, and our national commitments as citizens of a free democratic country. Even as we celebrate our individual empowerment through legislations like the Right to Information Act, let us not forget our collective responsibilities and concern for our national goals.

I must also take this opportunity to caution that we need to strike a balance between the need for disclosure of information and the limited time and resources available with the public authorities. Also, vexatious demands should not be allowed to deprive genuine information seekers of their legitimate claims on limited public resources. I do hope your Convention will bring out certain suggestions to deal with this situation.

This annual convention provides an opportunity for introspection and an assessment of

how far we have succeeded in realizing the objectives of democratic empowerment and participation in processes of governance. What future steps must we take? What course correction is if any required? Have we made mistakes? How can we correct them? I am sure that all these questions will be discussed in your Convention.

I hope that the Convention will give us a holistic assessment of our achievements and as well as our shortcomings in the implementation of the Right to Information Act. This will help us implement the Act better and, therefore, empower our citizens in a more effective manner. I also hope that those who are now venturing into the field would find the deliberations of the Convention useful. With this, I have great pleasure in inaugurating the Convention.”

I wish the Convention all success.”

3rd November 2008

RTI-related issues to figure at CIC convention

The Times of India

NEW DELHI: Issues related to individual privacy vis-a-vis the Right to Information Act will be discussed at the third annual convention of the Central Information Commission (CIC) on Monday.

The convention will be inaugurated by PM Manmohan Singh and will cover aspects related to RTI and governance, the Act and its use in media and civil society.

The two-day convention will have several technical sessions chaired by former chief justice of India, Justice J S Verma, Planning Commission member B N Yugandhar, social activist Aruna Roy amongst others.

The convention will also have a session on an overview on RTI in South Asia.

While Pakistan brought in its Freedom of Information Act in 2002, Bangladesh recently notified its RTI Act that borrows heavily from India.

2nd November 2008

Corrupt babus' names can't be kept secret

The Hindustan Times

The Central Information Commission has ruled that names of corrupt government officials cannot be withheld on pretext of privacy under the Right To Information law.

The ruling came after the Delhi government's Home Department refused to provide information on officials against whom prosecution sanction was granted or had been sought. RTI applicant Shruti Singh Chauhan had asked for the information.

Information Commissioner Shailesh Gandhi said if charges were substantiated, the information no longer stays private.

<http://www.hindustantimes.com/StoryPage/Print.aspx?id=473bfb24-9406-4440-8d86-227e8c65ee79>

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2nd Nov 2008

Society to hold RTI gun to government's head

Indian express

**Lucknow, November 1** : Members of the civil society are all set to pull the governments — both central and the states — for not spending enough money to publicise the Right to Information (RTI) Act 2005, thereby limiting the use of this powerful tool.

The issue will be raised in a two-day annual convention on "RTI and its ramifications for good governance", to be organised by the Central Information Commission in New Delhi on November 3 and 4. While Prime Minister Manmohan Singh will address the inaugural session, Lok Sabha Speaker Somnath Chatterjee is likely to deliver the concluding speech. Besides State Information Commissioners, the event will see the participation of civil society, activists and media persons - not only from [India](#) but also from SAARC nations.

During the convention, experts will deliberate on a variety of topics like RTI in South Asia, role of media and civil society to promote RTI, poverty alleviation and RTI, protection of privacy and RTI, transparent governance and RTI.

The focus would be on the need to formulate a different strategy for the implementation of RTI in rural areas. "RTI applications filed in rural areas are extremely probing and sometimes put governments in difficult position. Violence and harassment related to the RTI queries in rural areas are rampant, therefore we need to formulate strategies to ensure sufficient protection to rural folks," said Nikhil Dey of Mazdoor Kisan Shakti Sangthan, also one of the panelists at the event.

Ads By Google

Dey said the masses are using the Act but the [Government](#) is reluctant to address the RTI queries. "Though not enough publicity has been done to make the Act reach the common man, yet people, even in rural areas, are using it," he added.

During the event, Information Commissions of almost all the states will stress on their usual demand for financial autonomy and improved infrastructure. "Lack of proper infrastructure is a universal complaint of all the states - which was raised in the last two conventions also," said Uttar Pradesh State Information Commissioner Gyanendra Sharma.

Even the Central Information Commission is facing the infrastructure problem, as it operates from two different places in Delhi, he added.

2nd Nov 2008

AIIMS negates RTI with media gag rider

The Times of India

NEW DELHI: In an ingenious attempt to have its cake and eat it too, AIIMS has made a disclosure under the Right to Information Act that negates the very openness it is meant to promote. AIIMS told the RTI applicant that the information given was only meant for "personal consumption" and it could not be shared with the media without the hospital director's "written permission".

Conditional disclosure is contrary to the RTI Act, which allows the applicant to use information obtained for any purpose. Section 6(2) exempts the applicant from giving "any reason for requesting the information".

AIIMS made the disclosure on a query seeking sensitive information from its neonatal intensive care unit on infant mortality rates, reasons for death, infections contracted by babies and the equipment in use.

The provocation for AIIMS' unusual caveat on the use of data it supplied on October 23 was the consequences of an earlier RTI query from the same applicant, Rahul Verma of Uday Foundation for congenital defects. It led to AIIMS facing National Human Rights Commission proceedings.

While providing data to Rahul Verma of Uday Foundation on October 23 under an RTI query, professor of neonatology Dr A K Deorari, said in a covering note, "We have provided this information for your personal consumption. You are advised to take written permission from the director, AIIMS, before sharing the information with media."

Two months ago, NHRC issued a notice to AIIMS over its RTI disclosure, first reported in TOI, that 49 infants had died there during clinical trials for testing new drugs and therapies over the previous two-and-a-half years. AIIMS was forced to issue a clarification then, saying that none of those 49 deaths were due to "the treatment modalities under trial" and that they were rather caused by "high risk and serious disease conditions that the children suffered from".

In his October 23 reply to the latest RTI query, Deorari sought to justify his media embargo by making a tacit reference to the controversy over the 49 deaths in his department.

"On earlier occasion, the facts were misrepresented by the media which tarnished the image of AIIMS but more importantly of India."

The implication is that on issues that are potentially embarrassing to it, AIIMS has assumed the authority to disclose information under RTI, subject to the condition that the applicant keeps it a secret.

AIIMS's self-serving interpretation makes a mockery of the express purpose of the law enacted three years ago: "to promote transparency and accountability in the working of every public authority".

***manoj.mitta@timesgroup.com***

31<sup>st</sup> October 2008

No kidding! 14-year-old boy sends civic authorities on backfoot with his RTI 'act'

The Indian Express

**Ahmedabad, October 31** : As the Right to Information Act (RTI) goes on empowering people across rural parts of the country, it has brought 14-year-old Vinit Patel from Visnagar in Mehsana into the national limelight.

Vinit is perhaps the youngest information seeker, who has pushed the local civic authorities on the backfoot with his questions pertaining to irregular water supply to his society and a long pending demand for road connectivity.

Impressed by the move, Mumbai-based Public Concern for Governance Trust (PCGT) has decided to honour the boy with the Navleen Kumar Award for 2008. The award will be handed over to Vinit at a special ceremony in Mumbai on November 5.

"There is an acute problem of water in our society. Also, the residents have for a long time been demanding a road here," said Vinit, a Class VIII student of Sahajanand Secondary School. "I was wondering if something could be done about this, when my father told me that I can seek information from the civic authorities under the RTI Act. My uncle, who had already done something like this in Visnagar, helped me to file the petition in May this year," he added.

"I wanted to know why the water supply to our society was so erratic and sought a lab report of the water. I also asked them as to why there was no road to our society and who all had filed tenders for the road so far," Vinit told Newsline. He further said that as the answers provided by the authorities were unsatisfactory, he approached the

Mehsana District Collector, who in turn has asked him to file an application in the prescribed form. "I will file it in the next couple of days," he added.

Talking about the award, he said though it is a good feeling, he would not be able to enjoy the occasion much as he lost his father Pankaj Patel in September.

"It was my father who inspired me to file the application. But he is not with me anymore," he said.

Navleen Kumar Award is given in the name of noted land rights activist who was murdered by the land mafia in Mumbai in June 2006.

The PCGT confers this award in two categories — individual and organisation. While Vinit bags the award in the individual category, Ahmedabad-based Mahiti Adhikar Gujarat Pahel gets it in the organisation category.

31<sup>st</sup> October 2008

BPSC asked to give break-up of marks

The Hindu

Patna: In an order which could be handy for the students to assess themselves, the Patna High Court has upheld the order of the State Information Commission (SIC) directing the Bihar Public Service Commission (BPSC) to disclose question-wise break-up of marks obtained by them.

A single bench of Justice Ajay Kumar Tripathi has dismissed the petition filed by BPSC challenging the order of SIC directing it to provide the detailed marks to the examinees.

Dismissing the petition, Justice Tripathi on Thursday said that information and knowledge are critical for realising human aspiration. Only a knowledgeable society can assert its fundamental rights and demand quality life.

The court said that the Right to Information Act was meant to facilitate transparency in every sphere of life. The Act has been put into effect with the objective of open and a participative government which shall fulfil the needs of the people as envisaged under the Constitution of India, Justice Tripathi observed in the recent judgement.

The court did not find any fault in SIC's direction to the BPSC to provide question-wise marks to the examinees of 46th Combined Competitive Examination. The court has some difficulty in accepting the stand of the petitioner (BPSC) that they are not duty bound to furnish the information demanded by respondent no. 3 (the examinee), he stated.

The bench observed that the State Information Commission has not transgressed its power in directing the petitioner (BPSC) to furnish the information to the examinee. –PTI

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30<sup>th</sup> October 2008

Govt at risk of paying dearly to Maytas'

The Times of India

HYDERABAD: The Andhra Pradesh government would have to pay Rs 24 lakh per day to the Maytas-led consortium in case it fails to provide 212 acres of land within 60 days from the day the contracting company pays Rs 240 crore of performance security (PS).

This was revealed by Citizens For A Better Public Transport in Hyderabad (CFBPTH) at a press conference here on Wednesday after accessing the concession agreement through the Right to Information (RTI) Act.

"The government authorities failed to get permission from railway officials for construction of flyovers at Begumpet and Kukatpally. How can they expect to get permission to construct structures over the Secunderabad railway station within 60 days?" CFBPTH convenor C Ramachandraiah questioned.

As they might not be able to get the necessary permissions, the government would be forced to pay the penalty, he added.

"If the agreement between the government and Maytas is executed, all land to be given for the project will be exempted from local taxes," the social scientist said.

According to the concession agreement definition, the rail system includes rail-related infrastructure and also real estate development. Hence, CFBPTH activists alleged that Maytas was exempted from property tax, entertainment tax, building fee and other related taxes generally levied.

In case, the government fails to provide the requisite land at any place as promised earlier, they would have to give equal size of land at an alternative place that has potential for real estate development.

They alleged that the government has agreed for restriction of no competing transport, thereby discouraging APSRTC. "The agreement clearly mentions that different fares will be levied during peak and off-peak hours. Higher fares will be charged during peak hours," Ramachandraiah said.

The lease period would be extended by 1.5 per cent of 35 years even if one per cent of 2,75,00,000 passenger kilo metres (PKM) estimated till October 1, 2020 is not met.

CFBPTH said the Hyderabad Metro Rail Limited (HMRL) changed the Miyapur-LB Nagar corridor which was to pass through Khairatabad, NTR Marg, Secretariat, RBI and

Assembly. "When questioned in court how Lakdi-ka-pul, the busiest junction, was left out, the HMR officials said they altered the route and now it will reach Assembly via Lakdi-ka-pul. How can they complete the feasibility study in one week?" Ramachandraiah questioned.

30<sup>th</sup> October 2008

Piles sunk in Mandovi to secure casino vessel

The Times of India

PANAJI: Piles being sunk into the Mandovi riverbed just off Panaji to secure casino vessel Pride of Goa has evoked resentment in certain quarters. This is the first time piles have been sunk in the Mandovi to favour a particular ship.

Official sources say that the pillars to safely anchor the casino are temporary structures that can be dismantled if found to be hazardous to river traffic.

However, Annand Madgavkar, a salvor, disagreed. Madgavkar said, "When four piles have been driven into the river bed, it is ridiculous to call them temporary structures. They are typical caissons used by MPT in Mormugao harbour."

He also said the structures are in violation of CRZ regulations as the CZMA will not permit such structures in the river. "The structures will jeopardise the movement of ferry boats as they reverse in that area and endanger the commuters' lives," Madgavkar added.

The work of sinking the "mooring dolphins" into the riverbed, about 60 metres off the Panaji river bank, near the ferry wharf, is currently under way. Sources said the mooring dolphins are a security arrangement between which the vessel will be tied. Official sources said the permission to construct the mooring dolphins "on a temporary basis" has been given by the captain of ports only "after obtaining permission from the government".

"Which government?" asked a surprised chief secretary J P Singh, when contacted. "It is only the captain of ports which issues permissions," he said.

Leader of the opposition Manohar Parrikar, who recently promised to fight the matter on the streets and also legally, alleged foul play and wondered how the vessel could be given "special treatment" when the ship should have been offshore. "How can all this happen at a time when nothing is moving under this government. I have filed for information under the Right to Information Act and will take up the issue after the Pale by-elections," Parrikar said.

Lyndon Monteiro, officer on special duty to minister for ports, Francisco "Mickky" Pacheco, told TOI that the casino had been given permission to erect mooring dolphins of a "purely temporary nature". Monteiro denied the casino was being given any "special treatment," saying no other vessel had asked for it. "Moreover, it is away from the navigational channel. If a big ship like this has to be secure, then the moors have to be

strong. The permission is purely temporary and if it poses a navigational hazard, the government will definitely remove the moors.”

The Pride of Goa, a 54-metre-long, three-deck ship belongs to Goa Coastal Resorts, Panaji. Although the vessel has a license to operate as a casino, it is still in the process of being refurbished and has not operated as a casino since its arrival around March 2008. Sources said the owners want the mooring dolphins on a temporary basis and are looking to construct a permanent jetty along the Mandovi river close to Panaji.

24<sup>th</sup> October 2008

Information sought under RTI not given even after six months.

The Indian express

**Jalandhar, October 23** : Under the Right to Information Act (RTI), information must be provided to the applicant within 30 to 40 days. But there are many cases where even after six months, the information is not given. In one such case, Help, an NGO, has been waiting for information applied under RTI since April.

According to Parvinder Singh Kitna, the NGO had filed its application on April 5 to seek information regarding the recovery of Red Cross funds from those IAS officers who had misused them in their respective districts, during their stint as DCs.

The NGO had asked how much amount was to be recovered from which IAS Officer, the total amount to be recovered, the time period for recovery, recovery method to be adopted from the retired IAS officers etc. The RTI application was addressed to the office of Chief Secretary, Punjab. From there, it was referred to the Personnel Department's IAS branch.

Kitna said the NGO received a letter from this branch on September 1, stating that the information regarding these questions was to be provided by the offices of the Commissioners of Jalandhar and Ferozpur divisions. The letter added that 'warning letters' were issued to these two offices in July, August and September, but till date the information was not provided.

24th October 2008

Panel moots RTI-like system for Grievance Redressal Mechanism

The Hindu

New Delhi (PTI): With the aim of evolving a speedy information delivery system, a time limit of 30 days and a provision of fine on delay have been

recommended for the Public Grievance Redressal Mechanism by a Parliamentary panel.

The panel has recommended that the Public Grievance Redressal Mechanism (PGRM) should be envisaged in a statutory form on the lines of the Right to Information Act, which would make it mandatory on all state governments, Union Territories, Central ministries and organisations to pursue the grievances till their final disposal.

"The committee has also recommended that like RTI Act, there should be time limit of 30 days and provision of fine on delay in the PGRM system," the 29th report of the Parliamentary Standing Committee on Public Grievances, Law and Justice on PGRM said.

The report was submitted to both Houses of Parliament today by Committee chairman E.M.S. Natchiappan.

The panel has also recommended speedy implementation of the 'citizens' charter' that are in the initial stages of formulation in most government departments.

Suggesting that grievance handling system should be "accessible, simple, quick, fair, responsive and effective," the committee said the various government departments and ministries should have a dynamic public grievances redressal mechanism in place with a special focus on information delivery system.

23<sup>rd</sup> October 2008

Multiple vehicle registration foxes cops

The Times of India

23 Oct 2008, 2221 hrs IST, Rahul Mangaonkar, TNN

AHMEDABAD: Cops investigating terror cases trying to identify vehicle owners through Regional Transport Office (RTO) often face a dead end.

The reason: it is possible for a vehicle to get registered thrice and be issued three different registration numbers at Ahmedabad RTO. That too, without the vehicle being produced at the office.

Moreover, sometimes, registration is in a different name for one of the numbers. Such practices were brought to light when a tractor owner sought accountability under Right to Information (RTI) Act since his vehicle was given three numbers.

Khema Bharwad, resident of Jubal village in Sanand taluka, asked for certified true copies of RC books and relevant documents for his tractor with numbers GJ-1AQ-8703, GJ-1AQ-9413 and GJ-1AQ-9416. Moreover, he wanted to know who was the officer who inspected his vehicle at time of registration.

In its reply, RTO has attributed oversight as the reason for this and stated it has no record of who brought the tractor for registration.

Also, it said while registration numbers were issued, some documents are incomplete or incorrect.

Before Gujarat Information Commission (GIC), Bharwad said he purchased a tractor in 2004 from an authorised dealer for Rs 3,47,555 in exchange for an old tractor valued at Rs 1 lakh. But, what he received was not a new tractor.

Apart from RTO giving him three different numbers, he alleged that due to connivance of concerned employees complete information was not provided.

Officials from office of commissioner of transport submitted to GIC that in respect of GJ-1AQ-9416, address of owner as provided in form 20 and extract of the village form 7/12 were different.

After scrutiny it was prima facie established that the inspecting officer failed to verify documents properly.

Departmental proceedings have been initiated against the officer, MH Lalni. Action is also being taken against all employees associated with the registration work. In its interim order directing information be provided to Bharwad, GIC wondered how a person can get three registration numbers.

Also, how RTO didn't have information on who produced the vehicle or which officer made the registration.

21<sup>st</sup> October 2008

Restoring Neela Hauz is PWD's job, says DDA .

The Times of India

NEW DELHI: Debate over the Neela Hauz restoration has started again. While the Delhi Development Authority (DDA) claimed ownership of the water body near Aruna Asaf Ali Road, it said that since Public Works Department (PWD) was constructing a flyover across it, it was their duty to restore the lake. However, PWD claimed that they were to only restore that area that was under construction and had no plans for any further restoration.

In spite of this yet another hiccup, what is encouraging for environmentalists and residents of the area around the lake is that a single agency has finally accepted ownership of the water body. The chief secretary of Delhi is heading a committee that is overseeing the restoration of water bodies in the city and can pull up the land owning agency if no work is done. Till recently, neither PWD nor DDA were either accepting ownership nor denying it. Residents of the area had been worried about the state of the lake after PWD started work on a flyover there, which is a part of the Commonwealth infrastructure. They alleged that the agency had been dumping malba in the water body, which would effectively kill it.

Recently, DDA, replying to an Right to Information (RTI) act, said that the 46,415 sq meter Neela Hauz water body came under their Horticulture wing. It went on to add that PWD had furnished an affidavit before the high court on the matter of the flyover's construction, saying restoration of Neela Hauz was their "duty and liabilities".

PWD on its part has said that "restoration of water body only under construction to its original condition is to be done by PWD". Residents had earlier approached L-G Tejinder Khanna who had assured them that there was a clause in the contract tendered by PWD, which made it compulsory for them to clean and restore Neela Hauz once the flyover construction was over. But by PWD's own admission, they seem to have different plans.

The L-G's officer on special duty, Ranjan Mukherjee, added that all fears over the restoration were completely unfounded. "PWD will have to reclaim a lot of the lake to carry machinery over it. However, they will restore all of that and a bio-diversity park will be made on the land around it by DDA. We have met the representatives and all plans are in place. There is a sewer line nearby from which the dirty water mix with the lake water. That is obviously not PWD's responsibility".

21<sup>st</sup> October 2008

Supreme Court to examine whether CM fund comes under RTI act

The Indian Express

The Supreme Court on Monday, in view of conflicting opinions by two high courts, agreed to examine whether information pertaining to the Chief Minister's Discretionary Fund could be made public under the Right to Information (RTI) Act.

Acting on an appeal filed by a Public Information Officer (PIO) of CM's Office, Uttar Pradesh, a bench of Chief Justice K G Balakrishnan sought a response

from the State Information Commission and also its Chief Information Commissioner.

The apex court has also issued a notice to Akhilesh Pratap Singh, who had filed an application under the Act seeking list of persons who received more than Rs 1 lakh during August 28, 2003 to March 31, 2007 from the CM's Discretionary Fund.

Senior advocate Shobha Dixit, who appeared for the PIO, urged the apex court to examine whether the state could withhold information regarding the fund. She in her submission pointed to the contrary views taken by the high courts of Allahabad and Gujarat.

20<sup>th</sup> October 2008

RTI v2.0 likely to help CAG extract elusive govt nos  
Proposes Changes To 30-Year-Old CAG Act  
Souvik Sanyal & Gireesh Chandra Prasad NEW DELHI

The Times of India

THE Comptroller & Auditor General of India (CAG) will ask the Centre to legally enforce mandatory information disclosure norms under which various government departments and state agencies will be required to provide information to government auditors or face penalty.

At present, the CAG cannot force government departments to give information under any law. Ironically, this is a right which even ordinary citizens of the country enjoy under the Right to Information Act. Besides "unfettered access" to the accounts of all departments it

covers, the CAG also wants to ensure that its audit purview is extended to all local bodies and panchayati raj institutions, which handle huge public funds.

This year itself, Rs 50,000 crore of taxpayer's money is spent on welfare programmes through such institutions and NGOs, which are outside the purview of CAG. Thirdly, the CAG wants statutory changes to force various ministries and departments to quickly respond to its audit findings rather than sitting on it for decades, which defeats the constitutional purpose of CAG oversight. The auditor is finalising proposals for amending the three-decade old CAG (duties, powers and conditions of service) Act.

Of the 9,000 audit paragraphs placed before the Parliament, 3,000 paras have not received even the first response in 14 years, CAG Vinod Rai told ET. This despite the fact that the government is required to submit its action taken notes on the reports within four months.

“Such huge pendency in submission of action taken notes by the ministries highlights the ineffectiveness of the existing system. The object or intent of the Constitution is not being met by merely placing the audit reports in Parliament,” Mr Rai said. “We prepare the reports and place it before the legislature, which becomes the property of the government. The existing law does not empower us to ensure action on our reports,” Mr Rai added.

Government auditors across the world enjoy tremendous powers in

accessing information, seizing assets and even instituting legal actions against those who do not give information. In the US, for example, the Government Accountability Organisation can institute an action in a district court against any federal department or agency for not giving access to its records, while the National Audit Office of China can freeze accounts and other activities of corrupt individuals and organisations.

The CAG has presented different models existing in other countries to the government for adoption. It has also pointed out that in New Zealand, the auditor general can recover cost and expenses of evidence gathering from the public entity to which the evidence relates, while his counterpart in Australia can seek help from law enforcement agencies to seize books, records or assets.

souvik.sanyal@timesgroup.com

17<sup>th</sup> October 2008

Malda official 'violates' RTI

The Statesman

MALDA, Oct. 17: Despite the approval of the officer in charge of Right to Information cell in the Malda district magistrate office, the district registrar is allegedly reluctant to show answer sheets and other related papers, for the recruitment of lower division clerks (LDC), to the applicants.

This is for the first time that a Scheduled Caste candidate, who had appeared in the competitive examination conducted by the district registrar office for the recruitment of 14 LDCs, applied to the Malda RTI cell to show his answer

sheet.

Emboldened by the Right to Information Act, Mr Bijoy Kumar Ram, a resident of Tulshihata in Harishchandrapur, decided to see his answer sheet unsatisfied as he was with the final panel published recently in which his name had not figured.

Mr Ram claimed that he had correctly answered 74 percent out of the papers on the basis of which he had expected to obtain more than 51 per cent.

The department allegedly selected candidates from the Scheduled Caste who had obtained up to 50 per cent marks.

The Malda RTI cell had forwarded the application, submitted on 18 September, to the district registrar and asked him to follow RTI Act.

However, the registrar so far has not complied with the instruction.  
n SNS

17<sup>th</sup> October 2008

Civilian nuclear sector must be transparent"

The Hindu

Special Correspondent

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Replace 1962 Atomic Energy Act

Epidemiological surveys must precede uranium mining

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NEW DELHI: As the government continues with the civilian nuclear programme and seeks to expand it, "it must respect the imperatives of safety, health, transparency, accountability and environment sustainability," the Coalition of Nuclear Disarmament and Peace (CNDP) said on Thursday. The CNDP has the former Naval chief Admiral L. Ramdas, Achin Vanaik, Praful Bidwai and Sukla Sen, among others.

Releasing a statement at a press conference here, Mr. Bidwai and Anil Chaudhary said other sources of energy, especially environmentally sound renewable sources amenable to decentralised use, must be promoted on a priority basis. As the government was pushing ahead with its civil nuclear programme, there was need for extensive and radical reform of legal and practical arrangements concerning the planning, appraisal and approval of power projects and their regulation in respect of safety, transparency and related matters.

The Atomic Energy Regulatory Board must be made independent of the Department of Atomic Energy (DAE), and baseline epidemiological surveys

must be carried out in areas before commencing new uranium mining activity. A regular process of health monitoring should be put in place.

The government should replace the 1962 Atomic Energy Act with new legislation, separating the civilian sector to ensure maximum transparency in its functioning and accountability. For, the current arrangement disallowed any question on the nuclear programme, with the DAE empowered to deny information even to Parliament.

Simultaneously, the Right to Information Act should be made applicable to the civilian nuclear energy sector and punitive measures must be in place to cover conceivable contingencies and a range of compensation measures.

#### Insurance cover

With reports of possible association of the private sector, the CNDP said companies should be mandatorily required to take up insurance to cover damage to public health, and the government should not put a cap on liability. Companies at fault should be held accountable and pay damages.

There should be emergency plans for disasters, including mass evacuation, and environmental clearance should not be granted for all nuclear power plants without mandatory public hearings based on full disclosure of all pertinent facts

14th October 2008

Three years on, RTI a boon but needs more teeth

The Times of India

New Delhi (IANS): Sixteen-year-old Shahnaz knew nothing about the Right To Information (RTI) Act till a few months ago, but today she is grateful for the three-year-old law that helped her secure admission in a government school.

"The school made me undertake an entrance test and failed me in that since I live in a resettlement colony. Finally I filed an RTI application asking the government education department to tell me if there is any provision of an entrance test for a student who has successfully passed Class 10," Shahnaz told IANS.

Such is the power of the RTI act that within three days of her application, she was admitted to the school.

Shahnaz's story is just one of the many about how the RTI Act has empowered people since it came into force on Oct 12, 2005. However, many feel that a lot still needs to be done to strengthen the law.

"The RTI Act has great potential and has helped a lot of people. But there are some issues, which the government needs to tackle proactively," Malay Bhattacharyya, a Kolkata resident, told IANS on phone.

"The government needs to appoint more information commissioners, who should not be from the government. The information commissioners need to deal with pending cases effectively and impose more penalties on the erring officials," Bhattacharyya added.

RTI activists who are using the act to expose corruption in the system feel that the government needs to do more to ensure that the act is effective.

Ahmedabad based RTI activist Pankti Jog, who also runs an RTI helpline, described the act as the best law the Indian parliament has passed since independence.

"The RTI Act has been the first act which has reached the grassroots. We have a helpline on which we regularly receive calls from farmers, working class and people from all walks of life," Jog told IANS.

She, however, felt that the government is not doing anything to promote the act and its only people themselves who are carrying out the awareness work.

"The act can only progress if public authorities encourage proactive disclosures and pending cases are tackled effectively. The public information officers also need to be trained properly," Jog added.

"RTI has huge potential but it is not being used properly. The orders of the information commissioner are not complied with. The government needs to give them contempt powers," Pune based RTI activist Vijay Kumbhar said.

He added that the other major factor affecting the act is the appointment of retired bureaucrats or people close to government to the post of information commissioners.

Echoing his views is Orissa-based RTI activist Biswajit Mohanty, who has filed more than 450 RTI applications to various government departments since the act came into force.

Mohanty usually seeks information from the forest and environment department. Of his total applications, he has got information only against 60.

"While in 40-50 cases wrong doings of the concerned officials have come to the fore, in five cases I have got evidences of corruption against officials. But hundreds of other applications are gathering dust and the PIOs are harassing applicants so that they don't seek further information," Mohanty said.

The activists also voiced their concern over the mode of sending RTI applications to the government department.

At present, RTI applications can be filed by paying the fees through cash, banker's cheque, bank draft or postal order.

Prominent RTI activist and Magsaysay award winner Arvind Kejriwal said: "There should be multiple modes of filling a RTI application. The ultimate solution being a RTI call centre, which Bihar is following at present."

14th October 2008

RTI now a common man's tool

The Hindu

Vidya Subrahmaniam

Study belies propoganda it is used by select social activists

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Applicants closed down polluting factories, fought corruption

Villagers see information as key to solving problems

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New Delhi: An interim assessment of the Right to Information Act, 2005, undertaken independently, has concluded that more and more people are now using it in previously unknown ways, disproving the propoganda that RTI is an instrument concentrated in the hands of select social activists.

The first of its kind, the comprehensive study, conducted jointly by the National Campaign for People's Right to Information (NCPRI) and the Right to Information Assessment and Analysis Group (RaaG), has been billed as a people's initiative to assess who is using the Act and to what purpose. The study covered 10 States, besides Delhi.

In their report, "The People's RTI Assessment 2008," the NCPRI and RaaG pointed out that so far all information on RTI was either anecdotal or derived primarily from government data. Nor was there any evaluation of how the Act impacted societal actors such as the media, courts, the corporate sector and non-governmental organisations.

The NCPRI and RaaG conducted separate rural and urban surveys and also collected about 5,000 case studies from across the country, culled from the Hindi and English print media and downloaded from websites and blogs. A perusal of the cases showed that more and more people were invoking the Act, and for a variety of reasons.

In many cases, the applicants went beyond securing answers to their questions. They closed down polluting factories, fought corruption, and formed themselves into a larger group to support one another. Internet users formed their own online support groups, and helped applicants fill applications.

Specific examples of enlarging RTI: People in rural Karnataka combined campaigns for the Right to Information and the Right to Food to fight hunger. An 86-year-old Dalit farmer in Maharashtra used the RTI data to prevent his strawberry fields from drying up. In Uttar Pradesh, over 14,000 residents in a cluster of eight villages, 60 km from Banda, used RTI to fight for their right to have roads, bridges and electricity.

#### Solution to problems

The surveys showed that an overwhelming majority of rural residents saw information as the key to solving village problems. More than two-thirds of rural respondents said they had received a response to their applications and nearly one-third said their problems had been solved though they had received no information or received only partial information.

Among urban respondents, nearly three-fourths said they had received responses though they were slow in coming. Only a third of respondents said they had received responses within the stipulated one month.

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12th October 2008

In Panchkula, authorities have 'no information' on Right to Information

Express.com

**Panchkula, October 12** Ridiculing the Right to Information (RTI) Act, the Haryana government offices in Panchkula are misinforming the public. While a notice, posted at various offices, claims that Rs 2 per page will be charged for any information under the RTI Act, the applicants are made to shell out Rs 10 per page.

The officials, unaware of the amount being charged, prefer to remain tightlipped even when quizzed about the basic rules of applying through the RTI Act.

“If you want to file an RTI with the department, we will first have to check the rules. While we are not aware of the amount that is to be charged, the notice board affixed outside the office would give you complete details on the Act and the required payment,” said an official of the District Public Relations office, Panchkula.

The official added that the RTI application would be accepted only after having a word with the senior officials, as most of them are unaware of the rules.

For senior BJP leader Gyan Chand Gupta, the RTI Act is being ridiculed at by the Haryana offices. “On seeing the details put up on the notice board, I went ahead filing an RTI with the ADC department asking for the complete ‘Below poverty line’ (BPL) list of urban and rural areas of Panchkula.

While initially it took the department four days to accept my RTI application, I was made to run from one official to another to deposit the fee of Rs 50, as no official of the department was ready to even accept the application,” said Gupta.

The BJP leader added, “Worst came when we were told that the department was not even aware of who was the State Public Information Officer (SPIO) for their department,” said Gupta.

In yet another case, while Gupta applied for an RTI from the Haryana Public relation department asking for some information, he was asked to deposit Rs 40,000.

“As the amount was high, I requested the department to supply the information in a CD for which only Rs 50 is charged, but I was told that the department had no CD available. So the only option with me was to deposit the amount if at all I wanted the information,” added Gupta. He said that while all the other states charge Rs 2 per page, Haryana has been charging exorbitantly, thereby, discouraging the very concept of the RTI.

In another case, when an RTI was filed in the Haryana Public Relations department by our Newsliner reporter, seeking information on the various programs having been conducted by the Haryana Kala Parishad, the parishad directly went ahead asking for a payment of Rs 15,000 from the applicant, jumping all the rules and regulations of the RTI Act.

According to the RTI rules, the assessed amount is to be communicated to the applicant through the SPIO or the Assistant SPIO and not any third incumbent.

Talking to Newsline, Meenakshi Anand, head of the Haryana Information Commission said, "Rs 10 per page is being charged from the applicants. If any department has displayed wrong information, action would be taken against it.

As far as the rates are concerned, we have till date received no complaints claiming that they are exorbitant."

She also added that training is imparted from time to time to the various SPIOs and ASPIOs.

"There have been several penalties levied against officials who fail to comply with the RTI rules. It is always through the SPIOs that the RTI information has to be communicated to the applicants," added Anand.

12th October 2008

Cong files RTI application to get details of Nano deal

Indian Express.com

**Ahmedabad/Kolkata, October 12** The Congress has sought details of the deal signed between the Gujarat Government and the Tata Motors for the Nano car project under the Right to Information (RTI) Act.

In an application to the Industries Commissioner, the party has sought details of the

incentives given to the Tata Motors, party spokesperson Arjun Modhvadia said.

Meanwhile, CPI (M)'s Gujarat unit on Sunday said it will not oppose any development projects, including Nano plant, in the state. The party, however, demanded the Modi government to make public the agreement it has reached with the Tatas.

12th October 2008

## **RTI Act turns three today**

The Times of India

AHMEDABAD: The toddler called Right to Information (RTI) Act, born 58 years too late after the country gained independence, completes three years today.

The sunshine legislation aims to promote transparency and accountability in functioning of public authorities as a vibrant democracy needs an informed citizenry. In fact, this is an age when authorities should proactively disclose information through media, so that citizens don't have to take recourse to RTI.

However, while the Act is working well at the grassroots level in rural areas, it's not making an impact at the top where it matters the most - in Gandhinagar. Moreover, two additional information commissioners (ICs) have been allocated for the state, but the posts have not been filled as yet.

RTI activist and member of Mahiti Adhikar Gujarat Pahel (MAGP) Harinеш Pandya, says: "Information available in a consolidated form with Sachivalaya is not being provided and RTI applications are simply transferred to district levels. PIOs in Sachivalaya are shirking their responsibility. Babus no longer fear, or even respect, the Act."

Gujarat Information Commission (GIC) which enforces provisions of RTI in the state has powers to rein in truant officers by penalising them. But, while it has passed several landmark decisions, including the one which allowed public servants access to their annual confidential reports (ACRs), it has only penalised one Sachivalaya-level officer so far. Of the total penalties of Rs 6,31,100 it has imposed in the past three years, it has only slapped one penalty of Rs 25,000 on a public information officer (PIO) of food and civil supplies department. The rest were on officers on field postings.

According to RTI activists, while this has resulted in more responsive government officers in rural areas, Sachivalaya ones have started believing they can't be touched and confidentiality is their right whereas RTI provisions overrule Official Secrets Act. Also, with 3,700 cases pending before GIC, the woefully slow rate of passing orders has greatly hampered the RTI cause.

Lack of staff, resources and the single Chief Information Commissioner (CIC) in RN Das can be partly held responsible for this. But, GIC's dithering on passing orders on controversial subjects related to Sachivalaya or judiciary is

another major one.

In the last three years, GIC has not even been able to submit its annual report to the state Assembly, which it's required to do every year. Several complaints come to RTI helpline against GIC that hearings had taken place a year ago, but order copy has not yet been received by the applicant.

12th Oct 2008

### **RTI fallout: Collector fined**

The Times of India

Cartoonist R K Laxman's common man is no longer a hapless commoner. Armed with a constitutional weapon provided by the Right To Information (RTI) Act, he is now empowered enough to expose the powers-that-be and ensure the erring ones among them are taken to task.

This is exactly what Ram Pravesh Rai has been doing for sometime now. This 48-year-old farmer from Buxar has almost dedicated his life to dig out the truth buried in official files and expose the erring babus. Thanks to his relentless efforts, a district magistrate (DM), who once sent him to jail, has been fined by the State Information Commission (SIC).

The former Buxar DM, Vishnudeo Prasad, was fined Rs 25,000 by name and the money has since been deducted from his salary. His successor in Buxar was also slapped a fine of an equal amount. But at a later meeting of the full bench of SIC, the recovery of fine from the present DM has been stayed.

Rai, an activist of Soochna Ka Adhikar Manch, is often seen carrying a heavy bundle of photocopies of official documents he has procured through RTI, and even a cursory look at these documents provides enough evidence of corruption, embezzlement of government funds and evasion of taxes worth several crores of rupees in Buxar district alone.

The information he has secured concerns implementation of three government-sponsored schemes - Million Shallow Tubeless Yojana, Pradhan Mantri Rojgar Yojana and the scheme for loan to purchase tractor - during the last six to seven years.

"What is surprising is that such corrupt practices continued not only during the RJD regime but also under the 'sushasan'," rued Rai, showing the documents. Chief minister Nitish Kumar too knows most officials do not want to supply information to public. "Justice can be provided to people through RTI but the problem is that some officials with old mindset are hesitant to make official information public," he once said at a function of SIC.

Noted social activist Parveen Amanullah, the founder head of 'Soochna Ka Adhikar Manch', said since the information dissemination mechanism is still in a very early stage, it is not functioning satisfactorily. "The officials are supposed to keep details readily available but they are not doing it," she said.

SIC spokesman Rambadan Baruah admitted that certain officials are still hesitant to share information with people. "The scenario has changed after the commission ordered posting of public information officers in each department and government offices," he said.

11th October 2008

### **Right to Information kindles lamp of empowerment**

The Indian Express

The SSNNL bonds worth Rs 60,000 were part of the state government's Rs 1.5 lakh compensation package announced for the riot victims

The Right to Information (RTI) Act has not only helped the common man get access to the information under the control of public authorities, it has also lent a hand to 25 women who lost their husbands during the 2002 Gujarat riots.

It was because of their applications filed under the Act that now, they get Rs 500 every month as interest on their Sardar Sarovar Narmada Nigam Limited (SSNNL) bonds. The SSNNL bonds worth

Rs 60,000 were part of the state government's Rs 1.5 lakh compensation package announced for the riot victims. While Rs 90,000 was given as cheques to the kin of those killed, the remaining Rs 60,000 were given in the form of SSNNL bonds. The women were supposed to get the interest on the bonds on monthly basis until they matured.

However, unhappy with the irregular and delayed disbursement of this money, these women filed an application under the RTI Act in 2007. Through the application, they sought the official rate of interest on the bonds and the reasons for irregular and delayed disbursement of the interest amount.

Aman Samuday, a city-based voluntary organisation, had filed the application on behalf of these women.

Noorjahan Devan of the NGO said, "Though we did not receive satisfactory replies to our application, the monthly interest money was regularised and these women now get their cheques on time."

11<sup>th</sup> Oct 2008

## **City docs may need 2nd opinion for all surgeries**

The Times of India

CHENNAI: Soon doctors in Chennai will have to seek a second opinion every time they decide to put the patient under the scalpel. In a bid to monitor and regulate healthcare, Chennai Corporation will dispatch letters to all hospitals by mid-October making it mandatory for them to seek external opinion before operating on a patient as well as videograph all surgeries and submit records in case of a patient's death.

"It will be made mandatory from November this year. We will strengthen our reporting system further. We will also insist on an autopsy if we are not convinced with the reason for death given by the hospital," said Chennai Corporation chief health officer Dr P Kuganantham. "The death audit system will make the online issuing of death certificates more efficient. Nearly 120 deaths are registered in the city daily. Most of the time, we find it difficult to comprehend the reasons for death. We will now seek specific reasons such as infections and botched-up surgeries. Our death audit will give us all this information," he said.

About 500 hospitals - government and private - are registered with Chennai Corporation for online entry of births and deaths.

The department wants to make it mandatory for hospitals to videograph all surgical procedures and make them available under the Right to Information Act. The idea was mooted after a study by the civic body found several hospitals lacked qualified anaesthetists and trained nurses. Space and ventilation and sanitation facilities were also found to be below standards.

Responses to the proposed supervision have been varied. Some like Dr T N Ravishankar, honorary secretary, Indian Medical Association, rejected it. "A surgeon would not want his opinion to be doubted. And what if the patient does not want a second opinion? If patients object to the procedure being videographed, should we force them? Who is going to bear the cost?" he said. Others like orthopaedic surgeon and Indian Journal Of Medical Ethics editor Dr George Thomas agreed with the authorities on some of the proposals.

11th October 2008

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CHENNAI: Soon doctors in Chennai will have to seek a second opinion every time they decide to put the patient under the scalpel. In a bid to monitor and regulate healthcare, Chennai Corporation will dispatch letters to all hospitals by mid-October making it mandatory for them to seek external opinion before operating on a patient as well as videograph all surgeries and submit records in case of a patient's death.

"It will be made mandatory from November this year. We will strengthen our reporting system further. We will also insist on an autopsy if we are not convinced with the reason for death given by the hospital," said Chennai Corporation chief health officer Dr P Kuganatham. "The death audit system will make the online issuing of death certificates more efficient. Nearly 120 deaths are registered in the city daily. Most of the time, we find it difficult to comprehend the reasons for death. We will now seek specific reasons such as infections and botched-up surgeries. Our death audit will give us all this information," he said.

About 500 hospitals - government and private - are registered with Chennai Corporation for online entry of births and deaths.

The department wants to make it mandatory for hospitals to videograph all surgical procedures and make them available under the Right to Information Act. The idea was mooted after a study by the civic body found several hospitals lacked qualified anaesthetists and trained nurses. Space and ventilation and sanitation facilities were also found to be below standards.

Responses to the proposed supervision have been varied. Some like Dr T N Ravishankar, honorary secretary, Indian Medical Association, rejected it. "A surgeon would not want his opinion to be doubted. And what if the patient does not want a second opinion? If patients object to the procedure being videographed, should we force them? Who is going to bear the cost?" he said. Others like orthopaedic surgeon and Indian Journal Of Medical Ethics editor Dr George Thomas agreed with the authorities on some of the proposals.

11th October 2008

### **Cause list is a public document: CIC to HC**

The Times of India

NEW DELHI: Criticising Delhi High Court (HC) for withholding a copy of cause list to a Right to Information (RTI) seeker, the Central Information Commission (CIC) has ruled that a "cause list" prepared by court administration for listing of cases is a public document, which a citizen has a right to "inspect."

Asking HC to supply copy of cause lists of a certain period to a lawyer who was denied the same, a bench headed by Chief Information Commissioner Wajahat Habibullah held that once this list reaches the court master to record next dates of hearing and other case related details, it becomes a public document and falls under the purview of RTI. "A citizen exercising his right under RTI Act becomes entitled to inspect the cause list, take notes, extracts or certified copies," CIC said.

HC on its part had refused to part with this detail because it demanded a reason from advocate Manish Khanna on why he wanted this information, saying "no reason was given as to why such information is required."

The CIC took a dim view of denial on this ground and in its order released on Friday, noted, "The CPIO has clearly overstepped the limits of his powers by demanding the reasons from the appellant for his seeking the information. He is cautioned to refrain from doing so." The apex RTI body pointed out that RTI provision makes it explicitly clear that any applicant seeking information "shall not be required to give any reason for requesting information" and faulted HC on that count.

CIC was hearing an appeal by Khanna against denial of information and was constrained to record its dismay with the manner in which HC blocked copies of cause list from being provided to Khanna. "It will be very unfortunate if information was available on the date it was sought and has been destroyed thereafter and a citizen is deprived of his right to seek information," the bench, also comprising information commissioners A N Tiwari and O P Kejariwal added.

Defending its stand, HC in fact claimed that cause list is "transitory and is destroyed...it is just for convenience of court staff." The judicial authority insisted there was nothing in HC rules which imposes any obligation to maintain such a list and court wasn't obliged to keep such a list. Interestingly, at the same time HC admitted that list is made available on the internet for a few days.

Khanna had sought the cause list as part of his research work to understand if there was any procedure for granting early hearings to accused in certain cases. "The purpose is not to get information alone but to ensure RTI Act is not rendered infructuous by inaction of HC...the information would expose that ordinary people languished behind bars in Delhi jails, sometimes for over a decade - unheard in trial or in appeal - while rich and influential area heard on priority," Khanna alleged in his appeal, seeking more information on procedure for early hearing. However, on HC's stand that this fell under judicial functioning of HC and therefore outside the ambit of RTI, the Commission on Friday gave it 20 days time to come up with written arguments on this issue.

3<sup>rd</sup> October 2008

### **Rape victim takes recourse to RTI, gets justice**

The Times of India

AHMEDABAD: Now, Right to Information (RTI) Act has brought justice to a rape victim in Umarpada taluka in south Gujarat. Following a notice by Gujarat Information Commission (GIC) in May, an FIR was finally lodged and action taken against the accused.

In its notice, GIC slapped a penalty of Rs 25,000 jointly on two police officers for violating provisions of the Act. This followed an RTI application filed by a 15-year-old rape victim demanding to know why action had not been taken on her complaint.

The girl was raped in February last year but the accused was roaming free and police was refusing to register an FIR. GIC has penalised police sub-inspector and public information officer (PIO) DN Patel and assistant police sub-inspector Chandubhai Chaudhary, the deemed assistant public information officer (APIO) of Mangrol police station in Surat district, Rs 12,500 each.

Information was provided by Patel only six months after the RTI application. GIC noted that information sought was neither voluminous nor would it have required time to collect from different sources as it pertained only to Mangrol police station.

"The only reason why information was not provided earlier was that no FIR was registered after the complaint and after inquiry was held," it said.

From submissions made before it, GIC observed that Patel was passing the buck to Chaudhary to justify the delay in providing information as also slow progress of inquiry into victim's complaint. Even when an inquiry is incomplete, information available has to be provided within the time limit, it said

29<sup>th</sup> September 2008

### **Four-fold increase in utilisation of RTI Act**

*Against 8,864 applications in 2005-06, the number shot up to 31,964 in 2007*

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HYDERABAD: The Andhra Pradesh Information Commission (APIC) on Saturday furnished statistics showing that the annual increase of people utilising the Right to Information Act was four-fold, with improved awareness and inspiration among the masses.

Against 8,864 applications received by the commission in 2005-06, its first year, the number in the year 2007 shot up to 31,964.

Of these 27,775 (91 per cent) were disposed at the Principal Information Officer (PIO) level itself by December 31, 2007. Information received from the 1.79 lakh PIO-level offices said information was furnished in over 90 per cent of the cases.

#### **200 per cent**

A press release stated that in the commission too, a 200 per cent increase in receipt of appeals and complaints was registered.

Of 10,102 received, the APIC disposed 7,912 (78 per cent), while the remaining were under process at various stages. Also, the APIC had undertaken 170 field tours at the district, revenue division and mandal levels and Commissioners attended over 500 review meetings, awareness seminars and workshops as part of its campaign.

#### **Surprise inspections**

Surprise inspections were conducted by Commissioners at the offices of over 3,000 public authorities and the APIC was focussing on creating integrated training and awareness programmes through agencies like the Centre for Good Governance and the Marri Channa Reddy Human Resources Development Institute, the release added.

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26<sup>th</sup> September 2008

## **RTI effect: GTB to treat woman for free**

The Times of India -

NEW DELHI: A pointed query under the RTI Act has forced Guru Teg Bahadur Hospital in the capital to fall in line and provide free treatment to a 73 year old poor woman who couldn't afford her hip replacement surgery.

The hospital, which had earlier allegedly sought medicines worth Rs 30,000 from one Muddasar Ali for his mother's operation, has now informed Delhi High Court that it will operate her for free in the first week of October. HC was hearing a petition filed under the Right to Information Act, seeking directions to the hospital to provide immediate treatment to his mother and furnish the information asked for under the "life and liberty" clause of RTI Act. The clause makes it mandatory for an authority to provide information within a period of 48 hours, but is rarely complied with.

Ali's troubles began when he had to rush his ailing mother to Delhi from Bulandshahr in July this year. After examining her mother, while doctors advised immediate emergency operation, the hospital authorities allegedly asked him to first go and purchase medicines/drugs to the tune of Rs 30,000 from a chemist, failing which, he was warned, no medical succour could be provided as these medicines were unavailable with the hospital. Wondering why a government hospital mandated by law to give free treatment to poor people was demanding money, Ali decided to file an RTI asking details of drugs stocked with the hospital, procedure through which consumables that are not available are arranged for poor patients and bills of drugs purchased.

When days passed by with hospital authorities sitting on his query and condition of his mother deteriorating steadily, Ali approached Central Information Commission but to little avail, as the case couldn't come up for hearing within the prescribed time limit. Extremely perturbed, Ali then decided to file a petition in HC, seeking its urgent intervention so that his mother could be saved.

Arguing for Ali, advocate Girija Varma informed HC that, "Provisions of RTI Act have been made ineffective in health emergency and Life and Liberty issues at every stage, from vague and evasive replies by an authority to CIC not fastracking an appeal so that it comes up for an early hearing." Badly rattled by HC's queries on why Ali's RTI queries were fobbed off, the hospital on Wednesday, pledged to operate the patient free of cost and pleaded that the matter be allowed to rest at this stage. However, Varma pointed out that reply to Ali's RTI plea had still not been furnished and in order to ensure urgent RTI pleas are taken seriously, HC needed to give certain directions to CIC. Justice G S Sistani agreed to keep the petition alive and await a status report from the hospital that the operation was carried out free of cost and information provided.

abhinav.garg@timesgroup.com

23th September 2008

## **GU registrar Penalized again**

The Times of India

AHMEDABAD: Gujarat University registrar has drawn yet another penalty of Rs 25,000 from Gujarat Information Commission (GIC) for failing to provide information sought under Right to Information (RTI).

This is the third penalty slapped on the registrar in a month. The registrar, who is the public information officer (PIO) of GU, will now have to cough up a total of Rs 60,000 as penalties. Chairman of Sanskar Education Trust in Waghodia Pradeep Jaiswal had sought information under RTI regarding money deposited with GU by different colleges run by the trust.

Jaiswal sought information on the principal amount of deposits, the interest accrued on it and the total amount of deposit till now.

Jaiswal also gave details of deposits of Rs 14 lakh made by the trust-run arts and commerce college, Rs 8 lakh by science college, Rs 18 lakh by pharmacy college and Rs 12 lakh by BCA college.

In his complaint before GIC, Jaiswal submitted that after making the RTI application, he had met the registrar twice, asking him to expedite the process of providing information. But, till date it has not been provided.

Before GIC, the registrar, however, submitted that information as sought by Jaiswal had been provided to him. The registrar stated that the lapse was due to heavy work load as the students' exams had begun. Also, as there were many colleges whose deposits are with GU, which require time to trace the records.

GIC held that none of the grounds relied upon by the PIO in seeking that penal provisions to be waived off as reasonable or justifiable for furnishing information eight months after the application was made. As the information related to only the accounts department.

GIC has warned that any further breach in discharging his obligations would result in ordering of disciplinary inquiry and proceedings as per service rule

19th Sep 2008

## **More power to the people**

The Economic Times

What could a labourer running from pillar to post for his ration card, a student waiting eagerly for his passport, a housewife struggling without water supply or a senior citizen suffering due to pollution caused by an unauthorised factory near his residence have in common? The Right to Information (RTI) Act — the salvation for these diverse problems.

A notable achievement of the UPA government along with the rural employment guarantee scheme, this key to information has empowered the aam aadmi to fight the formidable fortress of secrecy that enabled unscrupulous babus to shirk work and breed corruption.

RTI is no magic that can make corruption vanish in a jiffy, but it has put the fear of scrutiny firmly in the minds of government employees. Gone is the air of confidence that enabled the corrupt in the government to demand 'speed money' openly without any apprehension of being caught. The experience till now suggests that most government departments attempt to clear pending work when they are questioned and responsibility is fixed.

Depending on how we look at it, it is either a glass half full or half empty. However, the road ahead seems exciting. Imagine RTI being just a phone call away, cutting out the massive paperwork that you need to go through now.

That would make information available even to those who cannot do the running around – senior citizens, the disabled and those who do not have the time to pursue a RTI query through existing procedures. Bihar has shown the way by setting up a call centre for registration of RTI queries. This obviates the need for elaborate paperwork and cumbersome legwork which makes life difficult for information seekers.

While the central government is not averse to the idea of adopting the call centre model to register RTI queries, discussions over costs have pushed the issue to the backburner. Some sections of the government feel that users should bear the cost of the proposed system.

Activists, however, are opposing this idea since it would push up the cost of an RTI query 12 times to Rs 120, deterring potential users most of whom are from the poorer sections.'

"The government should bear the cost of operating such call centres. Showing political will to back RTI, more allocation should be made to appoint more information officers as well. Due to budget constraints and lack of

additional posts to handle RTI work, the system is getting stretched.

Additional resource should be provided immediately," feels RTI activist Arvind Kejriwal who won the Magsaysay award in 2006 for his work in this segment. "The commissioners who are appointed by the government for handling RTI work should be committed to transparency.

These posts should not be treated as post-retirement benefits for bureaucrats who are interested in staying close to the corridors of power," he told ET.

Most activists acknowledge the role of UPA chairperson Sonia Gandhi in putting the RTI Act on track, but are skeptical about the commitment of political leaders. If transparency is ensured, corruption can be curbed to a large extent and the poorest of the poor would benefit, they argue.

While enactment of the law is a landmark in itself there are apprehensions over vested interests misusing RTI. Corporates, for example, should not manipulate RTI the way public interest litigation was misused, activists feel.

Chief Information Commissioner (CIC) Wajahat Habibullah says progress made towards spreading the RTI awareness has been better than expected, but there are larger areas of the country where the RTI Act has not been fully effective.

The recent appointment of three additional information commissioners at the CIC office would help in clearing the backlog of appeals pending before it, he added.

Interestingly, Prime Minister Manmohan Singh has suggested that all government information, especially data, should be put on the public domain except in the case of strategic areas like defence. This will make RTI queries unnecessary in a large number of cases.

While opinion of some top leaders certainly favours transparency, it has to be seen if the bureaucracy gives up its resistance to openness and politicians demonstrate the will to speed up empowerment of the common man.

19th Sep 2008

### **Two officials fined for RTI Act violation**

The Times of India

PATNA: The STATE INFORMATION COMMISSION on Thursday slapped hefty fines on two government officials for violation of Right to Information (RTI) Act.

Those fined are the child development project officer (CDPO) of Alauli block in Khagaria district and additional collector of Lakhisarai district.

Both the officials will have to cough up fines to the tune of Rs 25,000 each. The commission in its order has directed that the fine be realised from the salary of the said officials.

The CDPO failed to provide information to one Navin Kumar Bharati, and the Lakhisarai official failed to respond to the application of one Shyam Kishore Singh who had sought certain information under RTI.

18th Sep 2008

### **RTI 'grads' at your service**

The Times of India –

*24 Undergo Training On How To Use The Act Professionally*

Mumbai: Democracy, as embodied in the average citizen's Right to Information, is striding ahead confidently. A group of Mumbaikars from various fields, armed with a certificate course in RTI, is ready to cut the masters of red tape to size, to jolt the sultans of sloth and bring the rajas of babudom down to earth.

The 24 men and women who comprise this group have completed a CERTIFICATE COURSE from a south Mumbai college on how to use RTI professionally—they include businessmen, college professors, retired bankers and chartered accountants. All of them have now mastered the art of framing queries under the RTI Act to goad the civic authorities into action. With time, they hope to become advisors and consultants to the wider citizenry.

“The act is no longer a mystery for us. We now know the process and how to use it,” said Priyavadan Nanavati (73), a chartered accountant. That, according to most participants in the course, has been their biggest gain.

Activists like Shailesh Gandhi have taught them that they are not “beggars” or supplicants for information. They are applicants for their rights.

“For 14 years, the road outside my factory in Vithalwadi was lying unrepaired. While doing the course I filed a simple RTI query asking the concerned department about the status of the road and within no time, the repair work started,” said Pradeep Raisinghani (39), a businessman. “We now know that getting the required information depends on framing the right questions,” said Pervez Homi Lentin (61), a retired professor of physics.

Participants realized that vague and abstract questions could easily be turned down by government departments and they have learnt to hone their skills in framing queries which will elicit the best response.

“For instance, we now know it’s better never to ask the BMC ‘when’ a particular piece of work will be completed. Rather, we demand information on the funds allocated for it, the officer utilising them and the progress reports submitted by him to his ward office,” said Leann Almeida, a law student.

Similarly, while seeking information about a file reported as lost, these experts will ask which officer reported it as lost and whether a police complaint was lodged or not.

“These small things ensure that the officers cannot shirk their responsibility,” Almeida added. Neelima Chandiramani, principal of the K C College of Law which conducted the course, said that in the long run she expected those who had done the course to play a larger role in society as specialists on RTI. “Pleas filed by those who did the course will never be vague or badly drafted. Moreover, most of them have been professionals in their own field and know how the system works. They will be able to advise others on how to go about their own queries,” Chandiramani added.

In preparing for real-life difficulties in getting information from government departments which often try to block it, two of the participants conducted role-play exercises in which they acted as an applicant seeking information and an information officer denying it, while a third participant played out the role of the appellate authority. They thus re-created situations such as those they would have to face when they filed appeals before an information commissioner. “Thanks to all this training we now know that we cannot be denied information on frivolous grounds,” said Khorshed Nayak, a retired bank officer. “A beginning has been made and I will use my knowledge to help others who are made to run from pillar to post because they don’t know how to corner the officials,” said Najimuddin Chunawala (59), a Dongri-based businessman.

With Thanks from the Times of India

Source:- The Times of India 18 Sep. 08 P.16 New Delhi

17<sup>th</sup> September, 2008

### **OU denies info under RTI Act**

The Deccan Chronicle

**Hyderabad, Sept. 16:** The Osmania University has denied information to one of its students under the Right to Information Act. G. Karunakar, a student of Masters in Information and Library Science at the university had asked for information on the "non university fund" being collected by the institution at the time of admission. He also wanted information on the non-implementation of the BC (C) quota during the admissions for the PG courses.

Mr Karunakar filed these two applications under the Right to Information Act on July 14. Though it has been more than two months, Mr Karunakar didn't receive any response. "I applied for information through the RTI in the registrar's office. I am tired of going to them for this information." University officials said they had directed the student to contact the principal of his college. Mr Karunakar now plans to go to the State Information Commission against the OU for failing to give him information.

14th September ,2008

### **Bihar's Jankari service sets a precedent**

The Hindu

Patna (PTI): Bihar has shown the way in sharing information with people on the functioning of the government under the Right to Information Act at the press of a phone button.

The Jankari (information) service, launched by the Bihar Information Commission last year, has not only set a precedent among states some of

which have been in touch with the Bihar government for starting a similar service, but also earned accolades by the World Bank.

The service, inaugurated by Chief Minister Nitish Kumar on January 29, 2007, is aimed at providing information to a person on government functioning except for those having security implications.

Till the end of July, this year information had been provided to 13,726 people under the service.

Recently a World Bank team of Dr Youngmei Zhou, attached with Institutional Development - South Asia, and Vivek Hansraj Maru, associated with the Counsel Justice Reform Practice Group held a detailed discussion with Chief Information Commissioner Justice (Retd) Shashank Kumar Singh, and P N Narayanan, Information Commissioner on the running of the service. The team praised the Commission for its endeavour.

12<sup>th</sup> September, 2008

### **'Info panel needs to have more hearings'**

The Times of India

That it has taken Mohammad Afzal over two years to get a simple Right To Information answer can only partly be blamed on bureaucratic stonewalling. What also made Afzal's wait so painfully long was the huge gap between the time he filed an RTI query and the date of hearing that he got.

What has happened to Afzal plays itself out every day at the State Information Commission headquarters at Mantralaya. Over 16,500 cases are pending with the SIC right now, say officials, and only about 10,000 pleas have been disposed of in the last two-and-a-half years. The situation is such that RTI activists have been left praying that the delays do not turn people away from the Act.

Dadar businessman Milind Mulay was one unhappy citizen on Thursday. "I got a hearing date one-and-a-half years after I filed the appeal but, once inside, the hearing got over in 10 minutes. And, finally, I have been told that my query does not fall in RTI's purview, which is bizarre because I am asking about BMC employees' leaveencashment payment," he said on Thursday.

Activists, who have helped hundreds of other citizens to cut through red tape, have monitored SIC hearings and have come to the conclusion that the only way to save the Act from dying a slow death is to allot more time to the regular hearings so that more pleas can be settled in a day.

These RTI experts attended nearly 100 hearings from September 1 to September 10 and saw for themselves that commissioners were often spending only about a couple of hours every day in hearing RTI pleas.

One of these activists, Shailesh Gandhi, who has now been appointed a central information commissioner, says most commissioners hold about eight to 15 hearings a day and an average hearing lasts for merely eight minutes. "The time for hearing cases should be hiked to about five hours daily," he felt.

9<sup>th</sup> September, 2008

### **Survey: 3 years into RTI Act, information is hard to come by**

The Hindu

NEW DELHI: Even after about three years of the Right to Information Act coming into effect, people face innumerable difficulties in accessing information, according to a survey conducted by PRIA (Society for Participatory Research in Asia) early this year.

The main bottleneck in the implementation of the Act is the Second Appellate Authority or State Information Commissions. Commissions in Bihar, Gujarat, Jharkhand, Orissa, Madhya Pradesh and Kerala have poor disposal rates of appeals and complaints, and people have to wait for several months before their appeals are heard. The waiting period varies from eight months to two years in the Maharashtra Commission and the Central Information Commission.

In the Commissions of Orissa, Bihar and Uttar Pradesh, there are widespread complaints of poor decisions (one-line orders without explaining the facts of the appeal) and a reluctance to impose penalties on Public Information Officers (PIOs). Commissions in Uttar Pradesh, Rajasthan and Madhya Pradesh, even after dealing with several thousand appeals and complaints, have penalised few PIOs. This despite widespread complaints of denial of information. However, the entire blame for poor implementation of the RTI Act in the States cannot be laid at the door of the State Commissions, which face tremendous budgetary and infrastructure constraints. But there is no doubt that lethargic Information Commissions are slowing down the RTI, says the survey.

The Commissions in Bihar, Haryana and Jharkhand have become active in the last 6-8 months and penalised a number of PIOs for denial of

information. The Commissions in Haryana, Andhra Pradesh and Uttarakhand have put in a good performance.

People also find it difficult to file RTI applications at the block and district levels. They are not able to trace the names and addresses of the PIOs as directories are not widely available. Ninety per cent of the respondents in 10 selected districts including in Bihar, Jharkhand, Kerala, Madhya Pradesh, Orissa and Uttar Pradesh have said that as the directories are not available they found it difficult to file applications at the appropriate offices.

### Application, fees

As for the filing process, 78 per cent of the respondents found the rate of application and additional fees reasonable. But the respondents found the mode of payment of fees in Bihar, Kerala, Madhya Pradesh, Jharkhand and Orissa restrictive. They, however, felt that it was quite broad-based in Gujarat, Rajasthan, Uttar Pradesh and Uttarakhand. Karnataka, Orissa and Himachal Pradesh have made the application procedure complex, a deterrent to seeking information.

Once the application is filed, people have to make 2-5 visits to the offices to get information. Information is mostly provided after 30 days, say 40 per cent of the respondents. Complaints of threats and harassment by the PIOs are too many; 43 per cent of the respondents have found them uncooperative.

Despite the constraints, 68 per cent of the respondents were able to get information. A majority of the respondents who did not get information did not file the first and second appeals which, they felt, would be a waste of their resources and time.

6<sup>th</sup> September, 2008

### **AIIMS study says kids who died in clinical trial had 'high-risk' disease**

express India .com

**New Delhi, September 5** The 49 children who died during clinical trials at the All India Institute of Medical Sciences were suffering from high-risk illnesses and were also in a serious condition, a high-level committee has found.

The report said the deaths occurred despite standard therapy. "Not all trials had drug intervention. The children died because of severe illnesses," the

report read. The report said the drugs administered had been found safe in earlier studies, both in India and abroad, and were not known to be fatal. The report also noted that none of the deaths could be attributed to treatment.

The premier institution was prompted to write this report after the NGO — Uday Foundation — filed a Right To Information (RTI) application demanding to know the cause behind the deaths.

The report admitted 49 children had died during clinical trials of new medicines in the last two years.

Union Health Minister Anbumani Ramadoss subsequently asked AIIMS to order a high-level inquiry. A committee, under chairperson Madhuri Behari (Head of the Department, Neurology), submitted its report on Friday to the AIIMS director, who then forwarded it to Ramadoss.

Out of 42 studies, the report found, 36 trials saw no deaths. The other six studies found 49 deaths but all children were critically ill, doctors said. The committee's report also said none of the drugs were tested on healthy children.

Health ministry sources said it was difficult to ascertain how many children were given standard therapy. "But based on the data available, it can be said the number of deaths are not alarming," they added.

Sources said the six studies — which reported deaths — were focused on the intervention of oral zinc, on oral application of antiseptics, intravenous saline preparation of different concentrations, studies on different feeding regimes and the study of continuous positive airway pressure. The report also underlined that socio-economic status was not important for choosing children for treatment.

The AIIMS committee that wrote the report was constituted on August 19. It noted that all studies were rational and had been approved by the ethics committee of the AIIMS, which functions under the guidelines of the Indian Council of Medical Research.

The AIIMS panel comprised the HOD of Hematology and member secretary ethics committee Renu Saxena, Prof Balram Bharghav of the cardiology department, HOD of Pharmacology Dr Y K Gupta, HOD of Biostatistics Dr S N Dwivedi and Medical Superintendent Dr D K Sharma.

### **The findings**

\* In the zinc study, done to study the use of zinc to improve immunity, 21 children died out of the 504 enrolled.

\* One child died, out of 296, while being tested for the utility of zinc in the treatment of pneumonia.

\* The oral antiseptic study, which studied children who were admitted in the Intensive Care Unit (ICU), saw 22 deaths out of 59. Experts claimed this study involved children who were severely ill, so much so that they were in a ventilator.

\* In the study on intravenous saline preparation, one died, out of the 67 enrolled.

\* While studying different feeding patterns for children under 1,250 grams, three died out of 33. Another study enrolling children below 1,250 grams with respiratory distress, reported one death out of 14.

5<sup>th</sup> September, 2008

### **Punjab's great public swindle**

The Hindustan Times

Every time citizens pay for a driving licence or a marriage certificate in Punjab, they are — unknown to them — funding a variety of goodies for bureaucrats, a right-to-information query has revealed.

Government records reveal that Deputy Commissioners have been buying laptops, mobile phones, air-conditioners, plasma TVs, laptops, refrigerators, vacuum cleaners, water purifiers and digital cameras.

Crores of rupees are also being used on furniture, refreshments and partying, repair of offices of district administration and electricity and telephone bills of offices of district administration.

The cash is supposed to be used to create infrastructure and run more public services.

This money is collected by what are called Sukhmani societies, government organisations that collect "facilitation charges" from the public to perform a variety of government services, including registration of deaths and marriages, driving licences, ration cards and arms licences, under one roof.

"If the funds are being misutilised by the DCs, the government would certainly look into it and take prompt action," Punjab Chief Secretary Ramesh Inder Singh told the *Hindustan Times*.

This revelation, close on the heels of a *Hindustan Times* expose on "misuse" of Red Cross funds in Punjab, comes from an analysis of records procured under the Right To Information Act by three civil rights groups: Resurgence

India, Ludhiana; Burning Brain Society, Chandigarh; and People for Transparency, Sangrur.

After the *Hindustan Times* expose on the Red Cross, the Punjab government had returned Rs 1.95 crore to the Red Cross, while several IAS officers were forced to pay back lakhs of rupees that they spent for personal purposes.

In the most-recent instance, District Commissioners, administrative heads of districts and head of the societies — they were created in 2004 — that collect the “facilitation charges”, have also allowed pilferage of public assets, evasion of income tax and violation of labour laws, government records show.

According to the then Principal Secretary (Information Technology) B.R. Bajaj, during whose tenure the societies were formed, “Rules don’t permit DCs to use society funds for personal or other purposes.”

That has not bothered bureaucrats:

In January 2007, a mobile phone worth Rs 12,200 was purchased for the DC (Nawanshahr). Public charges were also used to pay for his home phone bill of Rs 8,225 and Rs 25,256 on home furniture.

In the same district, Rs 9,000 was spent for buying gol gappa-papadi in July 2006, and Rs 4,000 on dinner for all officers of Nawanshahr district in June 2007.

In Roop Nagar district, a Deputy Commissioner bought an Aquaguard water purifier for Rs 14,500 on January 11, 2008 and furniture worth Rs 17,296 for his home-office on June 23, 2006.

There are numerous entries in the records from Sangrur, where milk, Good Day biscuits, soft drinks, mineral water, lassi for the Deputy commissioner, under the head “DC Sahab da Samaan” were purchased from public funds during August 8-September 9, 2007.

In Ferozepur, records show up “Archies” cards, a day before Diwali in November 2007, biscuits and kaju badaam (cashew nuts and almonds).

“It’s criminal to use public’s money for personal purposes,” said former Punjab Chief Secretary K.R. Lakhanpal. “Even if they use the funds for government purposes, they can’t do that.”

5<sup>th</sup> September, 2008

## **PIOs have right to information under Act: SC**

The Statesman

NEW DELHI, Sept 5: Persons of Indian origin with the status of Pravasi Bharatiya under the Overseas Citizens Act will now enjoy the same rights as citizens of India do, as far as the Right to Information Act is concerned. The Supreme Court today gave liberty to all overseas Indians to seek information from any public authority/organisation or institution under the Right to Information, Act, 2005, saying the right is available to all persons of Indian origin (PIOs) who have obtained the status of Pravasi Bharatiya. The ruling, given by a bench of Justices Mr SB Sinha and Mr Cyriac Joseph, came about on an appeal petition by an NRI scientist based in the United States, Dr Kunal Saha, who was denied information by West Bengal Medical Council on details of the medical treatment given to his late wife, Dr Anuradha Saha, at a Kolkata hospital, on the ground that he was not entitled to the same because he was not a citizen of India. Dr Anuradha died in 1998 allegedly due to wrong dose/therapy administered to her at the hospital, now called AMRI Hospital.

Dr Saha is a noted AIDS vaccine researcher at the Children's Hospital and Ohio State University in Columbus, Ohio. He launched his fight against medical negligence after his wife died in 1998.

Dr Saha had sought from the West Bengal Medical Council details of the medical treatment given by three doctors ~ Dr Baidyanath Halder, Mr Sukumar Mukherjee and Mr Abani Roy Choudhury, as he had filed cases of "criminal medical negligence" against the three doctors and the AMRI hospital where his wife was treated before being shifted to the Breach Candy Hospital in Mumbai, where she died from TEN (Toxic Epidermal Necrolysis) syndrome, a rare form of skin allergy in which the skin keeps peeling off.

Dr Saha had approached the apex court against the Calcutta High Court order of Justice Mr Kalyan Jyoti Sengupta rejecting Dr Saha's appeal for removal of Dr Ashok Choudhary from the West Bengal Medical Council's Disciplinary Committee. The NRI doctor had approached the HC for removal of Dr Choudhury. The West Bengal Medical Council has already declared that the three doctors were not to be held responsible for Dr Anuradha's death.

5<sup>th</sup> September , 2008

## ***Punjab orders probe into Suwidha funds' swindle***

sindh today.net

Taking cognizance of startling disclosures made to Punjab-based NGOs under the Right to Information (RTI) Act about gross misuse of funds collected from public services to pay for luxury of district officials, the Punjab government Friday evening ordered a probe into the scam.

Punjab Chief Minister Parkash Singh Badal ordered an inquiry into the alleged mis-utilization of funds in the Suwidha (convenience/facilitation) centres run by the government-sponsored Sukhmani societies at different district headquarters in the state.

A Punjab government spokesman said the chief minister Friday directed Chief Secretary R.I. Singh to get the matter probed under his supervision and submit a report within 15 days.

The chief secretary has directed divisional commissioners concerned to conduct a thorough enquiry into the working of these centres in the districts under their jurisdiction and submit reports at the earliest, fixing responsibility of the officials concerned.

The probe follows a controversy after information sought by three non-government organisations from the districts revealed that millions of rupees collected by deputy commissioners in Punjab's 20 districts had been misappropriated and diverted by the district officials to enjoy official luxuries and even to foot personal bills.

The information provided revealed that public funds collected from Suwidha centres - which offer services like making driving licences, registration of births and deaths and marriages, arms licences and even ration cards - were siphoned off by most deputy commissioners to pay for parties, buying plasma televisions for their retiring rooms, laptops, furniture, mobile phones, air-conditioners, refrigerators, digital cameras, vacuum cleaners and other goodies.

The district officials did not stop at that. They have even been paying mobile and landline telephone bills and electricity and water bills from the Suwidha funds.

The Suwidha centres were started in 2004. The funds collected at these centres are not given into the government kitty and are not audited by the government agencies either. These funds were directly under the supervision of deputy commissioners.

The funds were also diverted to renovate and set up plush new offices for district officials without any accountability by higher authorities. Thousands of rupees were wasted in fulfilling personal demands of these officials.

Punjab's deputy commissioners were in another controversy last year after it was highlighted that Red Cross funds meant for the welfare of people were being brazenly used by them to fulfill their own official and personal needs.

4<sup>th</sup> September , 2008

### **Govt employees entitled to seek info about their annual entries**

The Times of India

LUCKNOW: Government employees can seek information regarding the annual entries assigned to them, and the departments can not deny information to them under section 8(1)(J) of the Right to Information (RTI) Act as it is not 'personal' information. 'Personal' information, as defined in the Act, is the one which is about a third party and not the person who is seeking it.

The observation has been made by state information commission (SIC) in a case concerning one Om Prakash Verma who had sought information about the annual entry about him when he was the chief revenue officer of Bahraich between July 24, 2004 and March 19, 2005. He had submitted his application to the Public Information Officer (PIO) of Personnel department, UP, on April 8, 2008.

However, Verma was refused information by the personnel department, under section (8) of the RTI Act. Their reply to his application, sent on April 23 also referred to the Sep 25, 2006 order of Central Information Commission (CIC), and stated that "since Annual Confidential Reports (ACRs) themselves according to us are barred from disclosure, we hold that by inference, DPC proceedings would be similarly barred."

After being refused the information, Verma had filed a complaint with the State Information Commission (SIC) which conducted a hearing into the matter on August 25. The PIO of the said department had also mentioned that since the information sought by Verma 'is about a person' and serves no public interest, the public authority is not bound to provide the information, under section 8 A(J).

Contrary to the view of personnel department, the applicant had referred to May 12, 2008 order of the [Supreme Court](#) which observed that "every entry (and not merely a poor or adverse entry) relating to an employee under the state or the instrumentality of the state, whether in civil, judicial, police or other service (except the military) must be communicated to him, within a reasonable period and it makes no difference whether there is a bench mark or not." If an employee is not informed about the entries assigned to him, it is the violation of Article 14 of the constitution.

However, the commission, observed that the information sought by Verma is not personal information, as mentioned in the Act.

Secondly, the applicant is also not needed to mention the public interest that the information sought by him would serve. It has thus ordered the department of personnel that the applicant should be provided with the information within 15 days

3<sup>rd</sup> September ,2008

**Padma awards list confidential, can't be disclosed: CIC**

The Times of India

NEW DELHI: The Central Information Commission (CIC) has ruled that names of those considered for Padma awards should not be disclosed as it would be a social embarrassment and may amount to invasion of privacy.

While issuing the order, Chief Information Commissioner Wajahat Habibullah said that while the Right to Information Act aimed at bringing in transparency and accountability, it also recognised preservation of confidentiality of sensitive information.

An appeal filed by Subhash Chandra Agarwal raised questions about the selection process and insinuated that the committee might be only going through the motions.

Agarwal, in his appeal, said, "Please specify how it is practically possible for a selection committee of about 10 members to select about 100 Padma awardees out of a list of more than one thousand in its one or two meetings. Is it true that the selection committee only fulfils the formality of endorsing a pre-approved government list in some hours only to meet guidelines fixed by the apex court?"

Rejecting the appeal, Habibullah said, "It will definitely not be proper if the personal information concerning certain personalities who were recommended but not considered for grant of the award for any reason, is disclosed and made public. It will surely be at the least a social embarrassment and may amount to invasion of privacy. The commission is not convinced that details concerning them be made public and become a subject matter of public scrutiny."

Agarwal had demanded details of members of the selection committee, the number of meetings held by it and the approved names rejected by tax and

intelligence agencies. In response, the home ministry had replied that the selection committee held two meetings and had received names that covered 169 pages.

3rd September ,2008

## **NO time for Tigers**

The Times of India

MUMBAI /NAGPUR /AMRAVATI: Field directors, as head of the state's tiger reserves, are supposed to be staying inside the jungles but three IFS officers heading the Melghat, Tadoba and Pench Tiger Reserves spend most of their time in urban areas and just about a day every week in the forest.

TOI invoked the Right To Information Act to find out how much time the field directors spent on the field and found out that, on an average , they spent just about 50 days a year inside forests. This has had a disastrous effect on wildlife management , say former forest officials and environmentalists, and may be one of the reasons that have led to the dwindling number of tigers in Maharashtra's forests. "There is no check on juniors when field directors themselves desert their posts," a former forest official said.

But principal chief conservator of forests ([wildlife](#)) Bimal Majumdar strongly defended his men.

Much of the field officers' time was taken away in meetings with district officers like collectors, divisional commissioners and police, he said. "Besides, children of conservator-rank officers do not have good schools or colleges near forest areas and so are compelled to stay in urban areas," he said.

But he admitted that forest management of tiger reserves had suffered in the last few years. "Lack of political support is one of the reasons and stakes for not supporting our cause are very high. There is a lot of misuse of forest land for [agriculture](#) , irrigation projects and forests are the last item on the agenda ," Majumdar said.

The facts speak for themselves. The field director of Melghat visited the jungle on 59 occasions between June 2007 and May 2008, the field director of Tadoba National Park visited the jungle 50 times during the same period and the field director of Pench National Park visited his work area just 41 times.

The Melghat Tiger Reserve office used to be in Paratwada but it was shifted

to Amravati in 1994, officials said. It has continued to remain there as successive field directors wanted to stay in urban areas.

So, when the forest was on fire in May this year, the then field director took hours to reach it, officials said. "If the field director cannot stay here, how can one expect the juniors to work with zeal when temperatures hit 44 degrees Celsius?" a range forest officer asked.

Even deputy conservators of the Melghat Tiger Reserve stay in Paratwada and Akot, away from the forest . Environmentalist Bittu Sehgal said: "Foot-patrolling by officers is the exception now and not the rule."

Key tiger [conservation](#) activist Valmik Thapar, too, feels that younger officers of the deputy conservator rank must be posted in the forests. A range forest officer, earlier posted in the Pench Tiger Reserve, cited instances of how top political honchos came to his area and hunted [deer](#) and wild boar for meat. "How can junior officer like the RFO stop top politicians? It would have been better if we had got the backing of an IFS officer but field directors want to stay in Nagpur," he said.

This correspondent found, during his visit to the Melghat Tiger Reserve , forest guards only at main checkposts. No patrolling was seen inside the forests.

1<sup>st</sup> September ,2008

### **Rise in RTI applicants worries commission**

The Deccan Chronicle

**Hyderabad, Aug. 31:** The Information Commission is unable to cope with the large number of applications under the Right to Information Act with people increasingly seeking answers on a variety of issues. The commission received 1,051 applications between January and December last year against 313 in the 15 months between October 2005 and December 2006.

"There is a huge increase in the number of applications with regard to the functioning of particular offices. Given the presence of a large number of public information officers in the department, they should have been easily disposed," said Mr C.D. Arha, the Chief Information Commissioner at the AP Information Commission. As many as 278 cases were disposed of during the first year and 943 cases in the next fiscal.

In all, 925 applicants were supplied with information and 18 went without a reply. In the previous year, 246 applicants were provided with satisfactory information while 32 were turned away. The total number of applications pending this year is 143 against 35 last year. More than a quarter of the applications filed with the commission relate to land cases.

Statistics available with the AP commission reveal that out of 6,343 cases filed under the RTI Act, 1,763 were from appellants seeking information from the revenue department. "People in urban areas are waking up to the need of being equipped with information about the land they own. Quite a few are unaware of the actual land that they own," he said.

31<sup>st</sup> August, 2008

### **RTI officer under Supreme Court lens**

The Telegraph

**New Delhi, Aug. 31:** The Supreme Court has set in motion a probe into the Mayavati government's charge of misconduct against a "suspended" chief information commissioner.

The apex court has issued notices to commissioner M.A. Khan, a former Allahabad High Court judge. The Uttar Pradesh governor had suspended him on July 9 on the state's recommendation, and referred the matter to the Chief Justice of India.

The Mayavati regime had accused Khan, appointed by the Mulayam Singh Yadav government, of serious misconduct and irregularities in appointments to the commission.

Under Section 17 of the Right to Information Act, 2005, a governor can remove an information commissioner for misbehaviour or incapacity if the Supreme Court, in an inquiry made on the governor's reference, finds the charges to be true. But until the probe is over, he can be barred from entering office.

Khan is the first state information commissioner facing a Supreme Court probe for alleged misconduct.

His suspension followed a series of run-ins with the Mayavati government. Khan had made adverse observations against the government and summoned senior officials, such as the chief secretary and the cabinet secretary, for explanations.

Khan has dismissed all the charges against him as politically motivated.

28<sup>th</sup> August , 2008

### **Access to information ordinance criticised in Bangladesh**

*The Nation* writes of a new access to information ordinance in Bangladesh:

The media gave a set of proposals for incorporation in the final draft that would end the culture of secrecy and immunity of officialdom and require government offices to be obligated to divulge information to people in the latter's rightful interests. But hardly any of these suggestions from the media were found included in the final draft which means a complete snub for the media and an attempt to superimpose a legislation on people.

As has been explained by a leading journalist of the country, the proposed draft of the Right to Information Act (RIA), if it is allowed to be enacted, will only mean a sort of reappearance of the prevailing Official Secrets Act by reintroducing it in disguise when the objective of the RIA ought to be ending secrecy and empowering the people with the right to know about many things done by the government— veiled from their eyes— and not in the real public interest. The media underlined how it fell far short of similar acts in neighbouring India, Pakistan and Nepal. The RIA in these countries expanded media's opportunities, rights and freedoms to investigate into almost anything. Thus, nothing short of substantial redrafting of this RIA will do, as has been emphasised by the journalists.

[<http://idealsandrights.wordpress.com>]

28<sup>th</sup> August , 2008

### **Dug up roads? Delhi residents could try RTI**

IANS

New Delhi, Aug 28 (IANS) For Divyajyoti Jaipurian, commuting had become a daily nightmare as a road next to his north Delhi house had been dug up and left unattended for nine months. But it took just nine days for the same civic authorities to repair it - thanks to the Right to Information (RTI) Act. "The road near my house was dug up in October last year for some drainage work. However, after the work was done, the road was left as it is, causing

problems to residents," Jaipuriar, a high court lawyer who resides in Vijay Nagar, told IANS.

Finally, he filed an application under the RTI Act asking the Municipal Corporation of Delhi (MCD) to give him details about the repair work carried out.

"To my amazement, within nine days of my filing the application, the road was repaired perfectly. This is the power of RTI," he said. Interestingly, the lawyer has till date not received any answer on his application.

According to data procured by the NGO Kabir, more than 46,000 RTI applications were filed at various government departments in the capital from October 2005 to December 2007. These departments included Delhi Police and housing agency DDA.

"This was the figure up to December 2007. But now with people becoming aware of RTI, I suppose the number of people using RTI must have gone up," said Neeraj, who works with Kabir.

In a similar case, a resident of northeast Delhi filed an RTI application asking for the details of a road, which was being made by the civic agency.

"In June this year, MCD was constructing a road near my office in the Sunder Nagri area but the construction agency was not doing it properly. I then filed several applications asking about the details of work carried out and for them to let me inspect the road," said Ramasre.

"They were using bricks while making the road, which should not be done," he added.

Within a few days, Ramasre started receiving calls from MCD officers, the representative of the local councillor and even the contractor who was making the road.

"They kept asking me what I wanted and why I had filed the RTI application. They even told me that that they would do anything I wanted if I took back my application," Ramasre added.

"But I just wanted the road to be made properly and I told them that," he said.

"Within a few days, the road was constructed perfectly. RTI is a great tool and it really helps a common man to take make the government accountable," Ramasre said.

Asked about the common man resorting to using RTI to get work done, Magsaysay award winning RTI activist Arvind Kejriwal said: "This is true because as soon as people file the RTI, responsibility gets fixed and officers end up doing the job which otherwise they never do."

Kejriwal however stressed the need for information commissioners using the penal provisions of the RTI act more actively.

(Mayank Aggarwal can be contacted at [mayank.a@ians.in](mailto:mayank.a@ians.in))

The Indian .com

27<sup>th</sup> August , 2008

### **BMC is sitting on retired staff dues**

DNA Daily News & analysis

Ninad Siddhaye

Many do not even know the reason why civic body has not paid them. If you thought the municipal corporation was tardy in fulfilling its obligations only towards the public, think again.

As per the information obtained through the Right To Information Act (RTI), hundreds of retired employees of Municipal Corporation of Greater Mumbai (MCGM) have had to wait endlessly for their leave encashment. In fact, many of them have not even been informed as to why their dues are not being paid.

The applicant, Milind Mulay, had applied to all the seven Divisional Municipal Commissioners (DMC) regarding the status of the encashment, which is applicable to employees who are beneficiaries under superannuation. He also sought information from the chief engineer of the solid waste management department, and the executive health officer (in charge of Municipal hospitals). The information asked was for the period January to December 2007.

Mulay, an RTI activist from Dadar, was prompted to inquire about the due payment after his mother (an ex-employee of Marol Maternity home) had a tough time while getting her pension as well as other dues.

He received information about 770 retired employees from the three departments. Out of these, only 223 employees had received their leave encashment dues and 109 were informed about the delay in clearing their dues.

In other words, around 547 employees were yet to receive the encashment. And more than two-third (438) were not even informed why their payment was delayed. When questioned, MCGM information officers claimed that there was a valid reason for withholding the claims.

27<sup>th</sup> August ,2008

## **RTI updates on SMS**

Yahoo! News

YOU COULD soon track the status of your Right to Information (RTI) application on your mobile phone, if the recommendations of a panel of information commissioners are taken up. There's more.

The sub-committee has also proposed an information commissioner for each district. And that performance responding to RTI applications be included in the annual career reports of bureaucrats.

The committee has selected the Andhra Pradesh model of quick responses to applications for replication in other states. In Andhra Pradesh, applicants can keep track of their application through SMSes sent to a call centre.

The Punjab model has been suggested to help citizens file applications at the district and the sub-divisional level. The proposal of an information commissioner in each district is borrowed from Maharashtra.

The committee has asked state governments to provide police protection to those whose applications may expose corruption in the public distribution system, National Rural Employment Guarantee Scheme and road construction scheme. (or government schemes) The panel has blamed the bureaucracy for the poor implementation of the RTI Act.

And as a remedy, the panel says bureaucrats must be appraised on the basis of their response to RTI appeals. "Inclusion of RTI in annual career reports (ACRs) of public information officers should be mandatory," the committee has said.

Training government officials on RTI issues has also been suggested. It also wants collectors to monitor the disposal of RTI applications submitted at district centres.

At the village level, the panel has suggested that panchayats handle the job. Emphasising that poor maintenance of records is the main reason for hindering the government in successfully implementing the Act, the committee has asked states to computerise all records and provide information regarding it to public information officers.

The list of all public authorities, including NGOs, should be put up on the state information commission website, the committee has said. The committee has also proposed that the Centre for Good Governance, Hyderabad, serve as the national centre to compile and analyse information related to the implementation of the RTI Act.

27<sup>th</sup> August , 2008

### **PIOs shall get two chances to give explanation for delays: RTI**

Zeenews

New Delhi, Aug 27: A Public Information Officer (PIO) attached to a government department will only get two chance for explanation before the Central Information Commission (CIC) in case the panel takes cognizance of delay in replying to an RTI application.

"The PIO shall not be given more than two adjournments to present his explanation. That shall be treated as a reasonable and sufficient opportunity," Chief Information Commissioner Wajahat Habibullah said while presiding over a meeting of the Commission held recently here.

The Commission accepted the suggestions proposed by RTI activist Shailesh Gandhi for restricting the number of adjournments sought by the government departments.

In the wake of the increase in pendency of cases, the transparency panel is looking into ideas to improve its efficiency and speed up the process of disposal of issues.

On the issue of imposition of penalty on the PIO for non-compliance with regard to the specified period for RTI replies, the CIC said will look for a "reasonable cause" while dealing with their response.

In case the information furnished to the RTI applicant proved to be incorrect, incomplete or misleading, the CIC will assess if it has been done by the officer "knowingly" or not.

The procedure to be followed includes imposition of penalty on the PIO after giving him an opportunity of being heard.

The Commission will not hold separate hearings for the imposition of penalty and a showcause notice will be issued in the first hearing itself in order to

save time.

The CIC directed that the following procedures as suggested by Gandhi might be followed while imposing a penalty.

27<sup>th</sup> August , 2008

### **Merciless long queue for mercy petitions**

NDTV

Parliament attack convict Afzal Guru is not the only man waiting for his death pardon to be reversed by the President. Sentenced to death in 2005, Afzal Guru may be the face of a raging debate on death penalty and clemency.

But an Right to Information activist who petitioned the President's office found that the number of pending mercy petitions of those who want their death sentence changed to life is as many as 50.

The long delay he says subverts the very idea of the death sentence.

"It clearly shows that there is no procedure of decision making, no will to ensure punishments are meted out that becomes the root cause of criminality we see in society. In a democracy there is no place for arbitrariness, there is discretion," said Shailesh Gandhi, RTI Activist.

Of the 50 petitions pending with the President and the Home Ministry more than 30 have remained undecided for over five years, a delay that in some cases exceeds even the trial period.

Among those whose petitions are pending before the President are Gurmeet Singh of Uttar Pradesh who murdered 13 members of his family in 1986, Sonia and Sanjeev convicted for the murder of an ex-MLA and 7 of his family members and Praveen Kumar who murdered 4 relatives, stood trial, escaped from jail and was later re-arrested.

Many say the delay reflects the ongoing dilemma in India over the death penalty, which as the Supreme Court had ruled in 1983 should be used in the rarest of rare cases.

The death penalty is too sensitive an issue to tackle headlong and most politicians in power are only too happy to pretend it doesn't exist on their to-do list especially in an election year.

For the accused it only means agonising delay in what is for them a life or death question.

26<sup>th</sup> August , 2008

### **Video conferencing for outstation RTI applicants**

The Economic Times

Right To Information applicants in the state have reason to cheer. From next month the state information commission will use video conferencing facilities to hear RTI appeals filed by those based outside Mumbai.

The state's chief information commissioner , Suresh Joshi, confirmed the move and said it will result in saving travel cost and time. "Both the applicant and information officer will not have to leave their city. In Mumbai we can use the video conferencing facilities in Mantralaya or the new administrative building. The applicant need not travel to Mumbai, but will have to visit his area's divisional commissioners' office which has video conferencing facilities. As usual, we will issue notices of the hearing to all parties," Joshi said.

The Central Information Commission , which is based in New Delhi and is the appellate authority for issues relating to the central government, hears cases using video conferencing. Joshi said he tried introducing video conferencing about two 1months ago, but came across some problem in the system. "I have spoken to the IT department regarding the issue," he added.

The information commission, which was constituted three years ago, has commissioners in Pune, Nagpur and Aurangabad, besides Mumbai . Till date, 27,000 appeals have been filed with the commission. Of these, about 15,000 are pending, the most being 3,500 applications from Pune.

26<sup>th</sup> August , 2008

**When the KIADB was being too NICE for comfort -**

The Hindu

Krishnaprasad

*The board has acquired excess land of nearly 7,000 acres for the project*

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*The KIADB notified 21,000 acres of private land as against the sanctioned 13,237 acres*

*It also notified 5,688 acres of Government land as against the sanctioned area of 6,956 acres*

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Bangalore: Eleven years after the Frame Work Agreement (FWA) between the Karnataka Government and the Nandi Infrastructure Corridor Enterprises (NICE), for implementing the Bangalore-Mysore Infrastructure Corridor Project (BMICP) was signed, startling information on the acquisition of excess land for the project has come into the public domain, thanks to the Right to Information Act.

### Excess

It is now established that, over these years, the Karnataka Industrial Areas Development Board (KIADB) acquired excess land of nearly 7,000 acres for the controversial project in violation of the FWA.

The documents, obtained by many individuals and organisations under the RTI Act, and in the possession of *The Hindu*, disclose that the KIADB, as early as 1998-1999, notified 21,000 acres of private land as against the sanctioned area of 13,237 acres in the FWA.

Further, the KIADB in 1999 also notified 5,688 acres of Government land to be given to the project as against the sanctioned area of 6,956 acres in the FWA.

In all, the KIADB agreed to give 26,688 acres of land to NICE instead of 20,193 acres as agreed to by the Government in the FWA, signed on April 3, 1997.

### 'Confidentiality clause'

The reason why these violations by the KIADB were buried all these years was because of a "confidentiality clause" in the FWA.

The clause reads: "Each party shall hold in strict confidence all confidential information received by it from the other party. The party receiving such confidential information shall not publish or otherwise disclose or use the confidential information for its own purposes... and shall cause its directors, officers, employees, servants, agents and contractors to be similarly bound by the covenants." This silence has now been broken thanks to the RTI Act.

Acting on this new information, the State Government on July 17, 2008, wrote to the Chief Executive Officer of the KIADB seeking an explanation on the basis on which these lands were notified and in some cases, handed over to NICE.

According to the letter, in Section A of the toll road project alone, the KIADB has notified 12,586 acres of land instead of 6,999 acres sanctioned.

### Section A

Section A comprises 41 km of peripheral road, 9.8 km of link road and 13 km of expressway from Bangalore to Bidadi.

The letter also points out that the KIADB notified 5,675 acres of land for the peripheral road portion alone as against 2,193 acres required in the FWA.

Similarly, for the link road, the KIADB has notified 563 acres of land as against 278 acres required in the FWA. For the expressway, the KIADB notified 6,348 acres against the requirement of 4,568 acres of land.

### Meeting

However, the Empowered Committee, headed by the Chief Secretary, in its meeting held on August 5, is said to have delinked the issue of excess land from the completion of the peripheral road. It is likely to provide 75 acres of land for its completion, though strictly speaking these lands too fall in the excess land bracket.

*26<sup>th</sup> August , 2008*

*DPI's PIO penalised under RTI Act*

<http://newkerala.com>

**Fatehgarh Sahib, Aug 24** : Punjab Information Commission has imposed a penalty of Rs 10,000 upon the Public Information Officer (PIO) of Director Public Instructions (Secondary) for not supplying information to a complainant under Right to Information act.

Om Parkash Aggarwal of Kharar had sought some information from Punjab Education Department, which was to be supplied by the PIO of DPI (Secondary).

Though the State Information Commissioner Surinder Singh had directed the PIO on March 13 to supply requisite information to Aggarwal but when the Commissioner heard the case on April 17, it was found that no information was supplied to Aggarwal and none was present on behalf of the PIO before the Commission.

The commission directed the PIO to be present in person on the next date of hearing and again directed the PIO to supply requisite information and documents to Aggarwal within a period of 15 days.

However, even on the next hearing on May 15 the PIO failed to attend the proceedings and the Commissioner reserved the judgment in the case.

In the judgement pronounced recently, the commission directed that the amount of penalty shall be paid by the Respondent (PIO) as his personal liability. The Principal Secretary, School Education, Punjab shall ensure that the amount of penalty imposed upon the PIO shall be deducted from its salary and deposited in the treasury under the relevant head.

In addition to the penalty the Commissioner also awarded a compensation of Rs 5000 which shall be paid by the Respondent Public Authority.

The Commission had also directed the PIO to supply the information to the complainant as expeditiously as possible.

<http://newkerala.com>

25<sup>th</sup> August , 2008

**Biosafety data of transgenic brinjal made public**

Meena Menon , The Hindu

MUMBAI: The Genetic Engineering Approval Committee (GEAC) has published information on biosafety studies of Bt brinjal, developed by MAHYCO, on its official website. The data in eight volumes, runs into more than 1,100 pages.

Sources in the Department of Biotechnology (DBT) confirmed that it was the complete data sent by the company which was analysed by the department and forwarded to the GEAC. Greenpeace, which has been demanding that the data be made public and is involved in a long Right to Information (RTI) battle, says the data looks comprehensive, but there is neither an official notification nor an assurance of its completeness from the authorities.

However, MAHYCO had sought a stay on the data being made public after an order of the Central Information Commissioner (CIC) last November. The Delhi High Court did grant the stay in December 2007 after MAHYCO, the Indian partner of the multinational agri biotech giant Monsanto, said the company could suffer commercial losses if the confidential data was disclosed to the public.

In the last hearing of the case in Delhi on August 20 there was no mention of the data being available on the website. Since the issue was sub judice and the DBT was one of the respondents it could not make the data public. DBT sources said there was nothing secret about the data and the only reason it did not share it with Greenpeace was because of the company's objections as a third party that their business interests would be affected. Now GEAC in its own wisdom has decided to post the data on the Internet.

Greenpeace said it has been close to 30 months since the first application for the biosafety data and minutes of the Department of Biotechnology (DBT) committee meetings were submitted under the RTI Act 2005 by Divya Raghunandan. Since then the data was consistently denied by the DBT till the CIC directed the department to disclose the data to the appellant finally in November 2007.

Though it had come very late, this was a welcome step by GEAC, said Divya Raghunandan of Greenpeace who had filed the RTI way back in February 2006. Recently, Dr. P.M. Bhargava, special invitee of the Supreme Court in the GEAC, raised concerns on the veracity of the Bt cotton as well as the Bt brinjal data as the procedures followed were flawed.

25<sup>th</sup> August , 2008

**30 years ago, another project & still no relief**

The Hindustan Times

At the time when the West Bengal government is trying to save Tata's Nano car project in Singur, an RTI application has exposed the state's track record on rehabilitation of people displaced more than 30 years ago due to the Damodar Valley project.

Rafique Ansari's Right to Information application exemplifies story of thousands of oustees of abject poverty from being landlords and their fight for their rightful claim. Their land was taken over by the Damodar Valley Corporation (DVC) in the 1950s for constructing a power plant.

Once an owner of 23 acres of land acquired for the project in 1950s, Ansari, a disabled, is now a below poverty line card-holder and does not have money to send his son for higher education. The Central Information Commission, which was hearing his plea for denial of justice, estimated that he would have earned monthly income of Rs 48,000 from the land taken away for the project. His present monthly income is less than Rs 2,000.

Ansari blamed DVC for his present state, claiming that proper rehabilitation never took place and he did not get a job either — like other disabled people in 1978. "I could not get the promised job as I could not pay bribe to the officials of the corporation. Those below me on the disability list were given jobs," Ansari told CIC. The DVC, however, refuted his claim, saying he would not have got job as per the eligibility criteria fixed.

Making a stinging observation on the rehabilitation package, Information Commissioner MM Ansari said the corporation has failed in its corporate social responsibility. "While DVC may have made significant contributions to the process of development of infrastructure, it has also contributed to marginalisation of the displaced persons, who sacrificed their land for the project," he said.

24th August 2008

***Kerala - only state where CM interacts with media every week***

The Hindu

Despite change of guard every five years, Kerala has maintained a sound democratic practice over the decades as perhaps the only state in the country where the Chief Minister interacts with the media every week after the cabinet meeting.

Whether it is a coalition led by the Congress or CPI(M) in power, the practice has continued unflinchingly since early 1960 as a means to keep people informed of the major decisions of the executive, well before the 'Right To Information' concept took root in the country.

'Cabinet briefing', as the exercise is known among journalists in Thiruvananthapuram, is not a mere media meet, where government decisions are briefed and clarified, but often turns out to be lively interactive sessions between the chief executive of the state and scribes, where vital political issues are debated.

Whether it was late E M S Namboodripad with his stammering, C Achutha Menon with his matter-of-fact approach, Nayanar known for his earthy humour, K Karunakaran who punctuates words with winks, suave and softspoken A K Antony or die-hard Marxist V S Achuthanandan, no Chief Minister has ever said 'no' to the press since the days of Congress stalwart R Sankar, who started the practice.

Even during the dark days of the Emergency, when the press was put under shackles, the practice had been maintained in Kerala, thanks to CPI stalwart Achutha Menon, who was heading the Congress-CPI coalition in the state, recalls veteran journalist and political historian K G Parameswaran Nair.

23<sup>rd</sup> August 2008

## **Commission plans training to officials on Information Act**

rtiindia.org

**MANGALORE:** Karnataka Information Commission is contemplating to hold a training programme for Government employees in various districts before conducting hearings of the complaints received against the erring officials.

The objective of the training programme is to create awareness among the officials about the Right to Information Act and its significance to weed out corruption.

Speaking to reporters on Friday, Chief Information Commissioner K.K. Misra said he will ask the administrative training institutes to hold the training programmes on the Right to Information Act and its implementation.

Mr. Misra, former Chief Secretary, has said the proposed programmes were still at the nascent stage. If the administrative training institutes did not come forward to organise programmes on their own, the commission itself would fund them, he clarified.

The commission required more staff for effective implementation of the Act. Against the norm to appoint one Chief Commissioner and 10 commissioners, the State has one Chief Commissioner and two Commissioners, Mr. Misra said.

Stating that officials would be fined up to Rs. 25,000 for their failure to furnish information sought by people, Mr. Misra said the commission imposed fine on a chief engineer of the Bruhat Bangalore Mahanagara Palike (BBMP).

The Commission members heard 96 cases during their two-day sitting in the city on Thursday and Friday. The Commission has decided to hold sittings in Gulbarga in September, Mysore in October and Raichur in November.

Stating that some states have reached agreement with telecom giant BSNL for receiving applications under the RTI Act, he said the Government has take a decision on such facility in the State. The Commission's website ([www.kic.gov.in](http://www.kic.gov.in)) provides the list of cases scheduled for hearing and copies of the pronounced judgments.

20<sup>th</sup> August , 2008

## **Citizens blame corruption for bad roads**

Times of India

NEW DELHI: If potholes, cracks and sudden depressions on the road seem to be part of your everyday commute in the city, it's time to shake off the apathy and ask MCD a few awkward questions. Like Mohit Goel, a resident of Model Town did when the recent patchwork repair undertaken by MCD began to disintegrate.

Or as did S P Gupta, general secretary, Residents Welfare Association, Old Rajinder Nagar, when he found that the road in front of Salwan School had broken down despite it being converted from "dense carpet" to "cement concrete" — a kind of road that simply should not crumble.

Both Mohit Goel and S P Gupta took recourse to RTI. They wanted to know who was responsible for the shoddy work. Not just that, both obtained permission to take a sample of the road and get it examined by the Shriram Institute for Industrial Research.

The results were not entirely unexpected. In both cases the contractors had used less cement than required. The road in front of Salwan School, for instance, used only half the required quantity; gravel and sand were added in much higher proportion. As for the Model Town road, the proportions were all wrong.

Needless to say, the contractors had made a killing by using inferior materials. But what about the MCD officials who were supposed to supervise the work? They winked at it, raising suspicions of collusion. As it happens, in the Salwan School road case, the RWA has filed an FIR against MCD.

If roads are being reduced to rubble in the city, the heavy downpour might be a part of the reason. But the real reason possibly is one of the worst kept secrets of the city — there is rampant corruption in road construction. But it's not something that the authorities are ready to accept, even though Goel and Gupta have virtually proved it.

Coming back to Goel, he sought answers this April, under RTI, on the road in front of his house in Model Town. He asked for an inspection of the area under the supervision of an engineer, a measurement book (with road dimensions), as well as samples of road material in the vicinity of his home, for a ratio analysis test.

As a result of his query, he found out that the total estimated cost of building the 96.50 metre x 5.13 metre stretch was Rs 6 lakh.

19<sup>th</sup> August , 2008

## **CIC set for expansion as RTI cases mount**

Times of India

NEW DELHI: Given the manner in which RTI has caught on in less than three years, the government has decided to enlarge the Central Information Commission (CIC) adding four members to the existing five. Since the process of appointments under the transparency law has however been shrouded in secrecy, RTI activists have thrown a spanner in the works by proposing eminent persons who are willing to serve as information commissioners without taking salary, allowances or even government bungalow.

Their credentials to sit in judgment on RTI appeals are formidable. Jagdeep Chokkar and Trilochan Sastry are IIM professors who fought for the electoral reform that makes candidates declare their assets and criminal antecedents. Shailesh Gandhi, an engineer from IIT Bombay, is the convener of "national campaign for people's right to information" spearheading the RTI movement. H Sudarshan, a doctor who was awarded Padma Shree for his work in rural areas, has been vigilance director with Karnataka's Lokayukta (ombudsman).

The ones who proposed their names in a letter to UPA chairperson Sonia Gandhi on August 17 are no less eminent: Anna Hazare, Medha Patkar and Magsaysay awardees Arvind Kejriwal and Sandeep Pandey.

According to the letter, Chokkar and the other three are willing to draw a token salary of Re 1 per month - their sole motive in taking up the assignment of information commissioner being "to further the cause of transparency in governance".

The unusual strategy adopted by civil society of suggesting alternative names may put pressure on the department of personnel and training (DoPT), which faced flak in 2005 when four of the five information commissioners appointed by it turned out to be ex-bureaucrats. The present babu-domination is despite a broad provision in the RTI Act that the information commissioners shall be "persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance".

The RTI activists chose to address the letter to Sonia Gandhi because she is credited with pushing the historic legislation in the face of resistance from ministers and bureaucrats. Pointing out that the country has no dearth of eminent people who are willing to work selflessly as information commissioners, the August 17 letter says: "It is high time that the

government stopped confining its choice to retiring bureaucrats or to people who cultivate powers that be in anticipation of getting such posts."

While confirming that it has decided to enlarge CIC, the minister in charge of DoPT, Prithviraj Chavan, told TOI that the appointments were being made according to the prescribed procedure which involves a selection committee consisting of himself, the prime minister and the leader of opposition in the Lok Sabha. As for the civil society's grievance about the lack of transparency in the appointments, Chavan said: "That can't be a public process."

But how can appointments under RTI be secretive? "RTI does not mean that the names have to be disclosed while the process is still on," Chavan said. For the same reason, the minister declined to comment on the apprehension expressed by RTI activists that one of the candidates under consideration was DoPT secretary Satyananda Mishra. If that does happen, it would set a pattern as even in 2005 DoPT had appointed its then secretary, A N Tiwari, as one of the information commissioners.

The RTI activists on their part have written that if the government rejects the eminent persons proposed by them, then it should explain to the nation how their candidates were found less suitable than its own nominees.

19<sup>th</sup> August ,2008

### **RTI Act applies to BIAL: panel**

The Hindu

S. Rajendran

Bangalore: A full Bench of the Karnataka Information Commission on Monday ruled that the Bengaluru International Airport (BIA) is substantially financed by the Government and, therefore, "the commission has no hesitation in holding that Bengaluru International Airport Ltd. (BIAL) is a public authority as defined under the RTI Act".

BIAL, which has turned down requests to reply to various petitions or give information sought by the people relating to the construction and operations of the airport, now has to reply within a stipulated time.

The full Bench comprising State Chief Information Commissioner K.K. Misra and Information Commissioners H.N. Krishna and K.A. Thippeswamy heard at length the matter referred to it by the Karnataka High Court.

A resident of Bangalore, Benson Isaac, in a petition, said that BIAL came under the purview of the RTI Act since it was substantially financed by the Union and State Governments.

In June, BIAL challenged an order of the State Chief Information Commissioner in the Karnataka High Court and the latter directed that a full Bench of the commission hear the matter.

In its reply to the petitioner, BIAL had stated that the provisions of the RTI Act or the Karnataka Transparency in Public Procurement, Act, 1999 were not applicable to BIAL and that it was not a public authority.

It had also stated that BIAL is a company with equity participation by the private sector to an extent of 74 per cent and therefore the question of furnishing information did not arise.

In its order passed on Monday, the full Bench said the airport serves a public purpose and the people have a right to know about the execution and management of the project.

The commission said the BIA was a public-private partnership project, taken up in the interests of the public, where the financing by the government promoters was much more than by the private promoters.

It would be a negation of fundamental rights if information about the project was not provided to the people, the commission added.

19<sup>th</sup> August , 2008

### **Inquiry on into death of 49 kids, AIIMS says tragedy wasn't due to new drugs' trial**

Express News Service

Even as Union Health Minister Anbumani Ramadoss on Monday asked the director of AIIMS to order a high-level inquiry into the deaths of 49 children during clinical trials, the premier institute claimed the children did not die due to any new drugs tried on them.

Head of the Department of Paediatrics Dr V K Paul said all 49 kids were mortally sick and died naturally, not due to any drugs used in the trials. "The

trials would have been stopped in between if the children had died due to the drug intervention. The data safety management board, which comprises experts, keeps a regular check on the trials," he added.

In reply to an RTI application filed by Udyog Foundation, an NGO, the AIIMS administration said as many as 49 children had died during clinical trials of new medicines in the premier institute during the past two-and-a-half years.

A total of 4,142 children, of whom 2,728 were aged below a year, had been enrolled for clinical trials of new drugs and therapies by the Department of Paediatrics since January 1, 2006. However, the total number of deaths includes both the kids who were on standard drug management and those who were given new intervention along with the standard medication. "This doesn't mean that all those children who were tested for new drugs have died," added a doctor.

Before conducting any human trial, a comprehensive exercise is done. A research questionnaire is formed, defining the criteria of the study. The proposal is then sent to the sponsoring agency, which could be World Health Organisation (WHO), Indian Council of Medical Research (ICMR), or UNICEF. The funding agency then gets it reviewed independently and gives the go-ahead.

ICMR guidelines, however, say children should not be included in the studies if these can be conducted on adults. "There are certain diseases like jaundice in children, neonatology highline membrane disease, sepsis where inclusion of children becomes mandatory as the diseases involve children," added Dr Paul.

Once the inclusion criteria of the subjects is reviewed by the ethics committee, the funding agency gets it reviewed by their set of experts which is then followed by funds provided by them. The parents are also brought into the loop for including their children in the trials. "Parents are given a consent form by the ethics committee. A patient information sheet is developed in which study risks are also mentioned. The children are included only when the parents give their written consent," said Dr Shinjini Bhatnagar of AIIMS.

Dr M K Bhan, head of Department of Biotechnology, said the trials were done in the best possible way. "As many as 1-3 per cent patients always die when the trials are conducted as these are severely ill patients. These are the best trials as 30 per cent reduction in death rate has been seen," he added.

Said Dr Nikhil Tandon, endocrinologist, AIIMS, a former member secretary of the ethics committee: "Multiple checks and balances are maintained before conducting such trials. All trails are taken up only after having multiple discussions with the ethics committee. The committee checks if the project is ethically correct or not, whether it is to be done. The committee may then

suggest some modifications. If a new agent is to be used in the trial, consent by the Drug Controller General of India (DCGI) becomes mandatory. The ethics committee then has an advisory role."

Doctors say ICMR guidelines are followed by the trial-conducting agencies.

To keep a further check on the trials, a Central Data Safety Management Board (DSMB), which comprises independent experts, is formed. "Their work is data safety. The DSMB can stop the trials anytime if they see any problems," added Dr Paul.

The 42 clinical trials were conducted for different drugs like zinc tablets for treating zinc deficiency, rituximab, olmesartan and valsartan for treating blood pressure-related problems and gene-activated human glucocerbrosidase for liver-related ailments.

However, the doctors conducting the trials claimed the intervention of some of these drugs had turned out to be effective. "The study using rituximab has been conducted amongst children between 3-16 years of age for kidney diseases. Results have been very good. The study was conducted on 22 children, and no death has occurred so far," said Dr Arvind Bagga, Department of Paediatrics, AIIMS.

13<sup>th</sup> August 2008

### **CIC to decide if MPs/MLAs should reply to RTI queries**

The Times of India

NEW DELHI: Are Sonia Gandhi and Rahul Gandhi expected to reply to Right to Information queries that are addressed to them in their capacity as Members of Parliament? In a decision that could have far-reaching ramifications, the Central Information Commission (CIC) has decided to ascertain if elected representatives like an MP or MLA can be recognised as a "public authority" in his or her own right.

This follows a growing number of complaints that MPs and MLAs have not been responding to RTI queries regarding their work as public representatives.

UP resident Awadesh Mishra had sought information from Amethi MP Rahul Gandhi related to recommendations made by the latter on assistance to NGOs. When Mishra did not receive any reply, he approached the Lok Sabha secretariat which held that the MP was not a public authority as defined under the RTI Act. The secretariat said the information was not held by it and

could only be made available by the MP.

Similar requests for information have been filed by Lucknow residents Girish Chandra Mishra and Radhey Shyam with Rae Bareilly MP and UPA chairperson Sonia Gandhi. Delhi resident Sartaj Ahmed had sought information from his area MLA Saheb Singh Chauhan regarding development work in his constituency.

However, when there was no satisfactory reply to their queries, the respondents approached the CIC. The commission, on its part, has recognized that a MP has been given specific authority by the Constitution in return for which he receives public funds.

The information watchdog has issued a public notice for opinions on the issue adding that it would take a "view to decide whether the information sought by these applicants can qualify as information sought under the RTI Act". The submissions are expected to be given by August 30 and a hearing is likely to be held in September.

09<sup>th</sup> August , 2008

### **No progress in Afzal Guru's case, reveals RTI query**

The Indian Express

**NEW DELHI , AUGUST 8** : Exactly a month after Afzal Guru, sentenced to death for his role in the 2001 attack on Parliament, blamed the UPA Government for its indecision about his hanging, the Ministry of Home Affairs' reply to an inquiry under the Right to Information (RTI) Act shows his case has hardly moved an inch.

Guru had raised a few eyebrows when he claimed the suspense about his fate was killing him, and only BJP leader L K Advani could take the decision on his hanging.

His mercy plea was filed barely a fortnight before the date of his execution on October 20, 2006. Since then, Guru's case has been pending.

Now, the ministry has, when asked under the RTI to provide details of clemency petitions pending as on December 1, 2006, produced a reply by Joint Secretary (Judicial) P K Seth that Guru's case is "under examination".

"There are two cases of mercy petitions of condemned prisoners namely Mohammad Afzal, Delhi, and Gurmeet Singh, Uttar Pradesh, pending and under examination of this Ministry," said the reply placed before the Central Information Commission (CIC).

Further, Joint Secretary Shashi Bhushan submitted in a hearing before Chief Information Commissioner Wajahat Habibullah on August 6 that the ministry had hardly any proposal "under contemplation" to speed up the process of examining mercy petitions of condemned prisoners and expeditious forwarding of the Government's recommendations to the President.

The CIC was hearing an appeal from Mumbai resident Vats Raj on the need to make the entire clemency process transparent in public interest.

07<sup>th</sup> August , 2008

### ***Delhi student beaten by teacher for using RTI***

Indo Asian News Service AOL News

New Delhi, Aug 7 (IANS) Using the Right to Information Act (RTI) to know his examination marks proved costly for an 18-year-old student of a government school when he was allegedly brutally beaten up by his teacher in Dilshad Garden area of north-east Delhi Thursday.

Mohsin Ansari, a Class 9 student of the Government Boys Senior Secondary School in Dilshad Garden, was admitted to hospital after being allegedly beaten by his physical training teacher, Jai Singh Yadav.

'Mohsin is being victimized for using the Right to Information Act. When he went to school today he was severely beaten up by his teacher,' Mohsin's father, Mohammad Yusuf Ansari, told IANS.

Mohsin was taken to the Guru Teg Bahadur Hospital from where he was discharged in the evening.

'He suffered several injuries. We have informed the police about it. We will complain to the chief minister, the education minister and the Central Information Commission about it,' Ansari said.

Mohsin had used the RTI to get a copy of the answer sheet of his English subject examination and also wanted to see the answer sheets of other students of his class.

Though he was given a copy of his paper, the authorities refused to show him the answer sheets of other students. He then approached the CIC, which directed the school authorities to show him the answer sheets of the other students.

Though the CIC passed the orders in June, the school authorities refused to show him the answer sheets.

'On Tuesday, when he reached school to inspect the answer sheets of other students, the school authorities threatened him and refused to show him any paper. They told him to go to the CIC again to get another order,' Ansari said.

The physical training teacher assaulted him in school Thursday.

'Today while I was in the school toilet, my physical activity teacher Jai Singh Yadav came and started beating me indiscriminately. He threw me down the stairs and slapped me repeatedly,' Mohsin told IANS.

His parents alleged that the principal was present in the school when the incident took place but didn't intervene.

When contacted by IANS, Principal Gokal Singh denied the allegation, and said, 'I was not in school when the incident took place.'

Jai Singh Yadav, when asked if he had indeed beaten the student, said: 'I didn't do anything at all.' He even threatened the reporter with dire consequences for reporting the incident.

05<sup>th</sup> August , 2008

### **Share info on ex-Army man's court martial: CIC to MoD**

The Indian Express

**New Delhi:** : The Right to Information (RTI) laws have come to the aid of a former military personnel court martialled over 30 years ago in relation to the Bangladesh War in 1971.

Dr Harish Uppal, an ex-captain of the Indian Army, had moved the Army Headquarters, Ministry of Defence, in November 2005 seeking a pardon. The authorities denied him pardon, and conveyed the decision in July 2006 without annexing any reasons for reaching a conclusion.

Uppal then filed an RTI application with the Ministry for the documents and comments of various departments and the Chief of Army Staff to "know the truth about the refusal to grant pardon". But he was denied access on the

ground that such documents were held in "fiduciary relationship", and exempt from disclosure under the RTI.

Allowing his appeal on July 31, Chief Information Commissioner Wajahat Habibullah termed court-martial proceedings as "quasi-judicial" in nature and an authority is bound to act in a transparent manner, he held.

2<sup>nd</sup> August 2008

### **RTI is being misused: Law Minister**

The Times of India

The Right to Information (RTI) Act is being "misused" in many cases under the garb of seeking information for public interest, Law minister H R Bhardwaj said on Saturday.

Speaking at the inauguration of a two-day All India Conference of the Central Administrative Tribunal here, the minister said, "the Right to Information has still not settled and it is being misused in many cases and there are characters who are not interested in RTI getting into it."

"But slowly this law will get settled. It would get over the teething problems and this law will also be strengthened," Bhardwaj said.

Praising the Central Administrative Tribunal (CAT) for disposing of over five lakh cases since its inception, the minister said almost all tribunals are doing a good job. All those matters that can be sent to tribunals without compromising on the quality of justice should be encouraged to be sent to them.

Bhardwaj, however, cautioned that creation tribunal or enactment of laws like RTI alone would not ensure justice, especially for government employees.

"Unless there is a desire and an instinct to give justice to your own subordinates it will not happen. So far as grievance is concerned, it should be resolved within the head of the department or the ministry. There will be lesser litigation if we do that and the government is committed to it," he said.

Chief Justice of India K G Balakrishnan welcomed the initiatives in the field of service jurisprudence, including the CAT experiment. "It is in the interest of

state to address the grievances of the employees so that they can effectively serve the general populace," he said.

20<sup>th</sup> July 2008

### **RTI amendment cleared by Cabinet**

The Times of India

NEW DELHI: The cabinet on Thursday cleared an amendment to the Right to Information (RTI) Act to "remove ambiguities and make it more effective" while exempting secretary level "file notings" from its ambit.

Besides keeping file notings out of the RTI Act, Union Public Service Commission examination papers would also be exempted.

The only exception would be file notings on social and development issues, Information and Broadcasting Minister Priya Ranjan Dasmunsi told reporters.

"The amendments to the Right to Information Act, 2005 will remove the ambiguities and will make its provisions more effective and progressive," Dasmunsi said.

However, the Central Information Commission (CIC) as well as Prime Minister Manmohan Singh were said to be apprehensive about it.

According to government sources, the prime minister felt that giving access to file notings could be misused to target individual bureaucrats.

The UPSC had also requested that the sensitive area of its selection process be put out of the purview of the act.

17<sup>th</sup> July 2008

### **RTI reveals city highrises are fire traps**

The Times of India

MUMBAI: Several highrises in the city are violating fire safety norms blatantly. Even the development control (DC) rules, framed by the state government to streamline the construction of highrises, are relaxed by the BMC to such an extent that fire safety norms are often overlooked. This was revealed in a Right to Information application filed by a panel of civic activists. Developers of every highrise, defined as any multi-storey over 24 floors, are supposed to follow special fire safety provisions .

But the application, filed by Krishnaraj Rao, activist and crusader of the pedestrian satyagraha movement, found that most highrises do not leave the mandatory open space. In many cases, there is hardly any distance between the building and the compound wall, making it very difficult for fire safety measures to be implemented in case of emergencies.

Besides, many buildings do not implement the mandatory active and passive measures. "Senior fire officials explained that passive measures, like having a clean stairwell and a passage way, are ignored. It is also necessary to have a 'refuge floor' after every eight floors or 24 metres. The idea is that in case of an emergency, people can run up or down and land on the refuge floor," said Rao.

He added that it was also necessary to have a firewall in the parking space of buildings. "The firewall ensures that the fire does not spread but it is almost never included." Also, the biggest hazard is the presence of two [basements](#), which make evacuation difficult. "Ventilation at such times is also nil, making it easier for the flames to spread quickly," Rao said.

According to a fire official, a basement parking is a serious threat as cars operating on inflammable fuels come together here. "There is petrol, diesel, CNG—all under one roof, without necessary safety measures. A small trigger can cause a big explosion," he said.

Another big drawback is the height of the gate. "A building gate should be 4.5 m wide and if there is an arch, it is 4.5 m. But they are much smaller. Also, the distance between two highrises is rather small. Fire officials said that there are two buildings near Prarthna Samaj—one is a ground plus 28 and the other ground plus 32—both at the distance of merely three metres. There are many such buildings in the city," said activist Gaurang Vora.

17<sup>th</sup> July , 2008

## **Forest Ministry bound to give info under RTI'**

Indian Express

**Bhubaneswar, July 16:** Babus in the Union Ministry of Environment and Forest can no longer deny information to applicants under the RTI Act on the pretext that the information has to be collected from different sources.

The CIC has recently rescinded a circular by the ministry under which ministry officials denied information to people under RTI.

The circular issued during the tenure of former MoEF secretary Prodipto Ghosh refused information to applicants from MoEF if it meant collation of facts — getting information from different sources — for providing information. The MoEF said in such cases it can't give "processed information" as per the ministry circular.

In September 2006, petitioner Biswajit Mohanty of Orissa was told the same thing when he wanted to know the names of officers of the state / Centre or any public authority who were alleged to have violated the provisions of the Forest (Conservation) Act, 1980 in the state of Orissa.

The MoEF rejected his application saying those can't be provided as the information was not ready. Mohanty, who filed an appeal with the CIC, said "MoEF can't deny information in his case since there is a clear overriding and visible public interest involved in the information sought for."

Mohanty said that the chief conservator of forest (central) Khazan Singh did not reject his appeal. The CIC in its July 11 order concurred that there was "visible public interest involved in the information sought" and it should be provided within 20 days.

14 th July , 2008

## **On oustee's appeal, Information panel raps Damodar Valley Corp**

The Indian Express

**New Delhi, July 13:** Damodar Valley Corporation (DVC), the country's first multi-purpose river valley project, is under fire from the topmost Right to

Information (RTI) panel for its "disheartening" treatment of land oustees who have "sacrificed" their land for power infrastructure.

The scathing observations against the DVC came in the light of its alleged denial of rehabilitation to a physically-disabled person whose 20-acre land was acquired on the promise of a Rs 3 lakh compensation and alternative employment.

Mohammed Rafique Ansari of Pakdih village in Jamtara district of Jharkhand appealed to the Central Information Commission (CIC) against "discrimination" shown by the corporation in not giving him the "promised" job as he was unable to pay a bribe to DVC officials.

Information Commissioner M M Ansari observed that Rafique's case indicated that the DVC had "so far failed in the promotion of corporate social responsibility".

The DVC which came into being on July 7, 1948 on the strength of a Constituent Assembly Act had its initial focus on flood control, irrigation, generation, transmission and distribution of electricity, eco-conservation and afforestation, as well as job creation for the socio-economic well-being of people residing in and around areas affected by its projects. However, over the past few decades, power generation had gained priority.

The Bench criticised the corporation for concentrating solely on development of infrastructure, mainly power, without no regard for the welfare of land oustees, who are "marginalised or pushed to worse-off economic conditions".

"While the DVC may have made significant contribution to the process of development of infrastructure, mainly power, it has also contributed to the marginalisation of displaced persons/land oustees, who have sacrificed their land for DVC's project," the Bench said in a recent judgment.

The CIC has directed the DVC Chairman or his nominee to be personally present before the Bench on August 11 to explain why compensation was not paid to Rafique, who was allegedly harassed and denied information by the corporation for his refusal to pay a bribe.

The Bench has also ordered the chairman to submit a comprehensive report relating to the rehabilitation of displaced persons who were so far displaced by the corporation's various projects.

Demanding an explanation from the Public Information Officer of the DVC as to why he should not be made liable to pay Rs 25,000 as fine, the CIC made clear its disapproval that the corporation had not "adhered to the principles of equity and justice in pursuing its objectives of providing critical services, namely power."

July 14<sup>th</sup> , 2008

## **Trapped in corruption, state bats for RTI Act**

The Indian Express

The newly appointed Governor, Ranjit Shekar Mooshahary, has one major worry: how to curtail corruption in the state.

The Governor believes that the Right to Information (RTI) can act “as a tool to fight corruption”. This comes as no surprise as after retiring from the Indian Police Service, Mooshahary worked as the Chief Information Commissioner of Assam and led the RTI movement from the front there. Though the Raj Bhavan has its own limitations in waging a war against corruption, Mooshahary can surely influence and inspire people to effectively use the RTI as a weapon to uncover corruption and punish the guilty.

**Meghalaya** has not really used the RTI widely. However, the state saw a flurry of accusations of corruption against most the sitting MLAs, based on RTI reports, just before the March 3 Assembly polls. Some of the legislators against whom accusation of misutilisation of MLA schemes was made, based on the RTI reports, did lose the election, but many others sailed through. Thus, it is debatable whether it was the RTI revelation or anti-incumbency factor that led to the defeat of the legislators.

In fact, none of the NGOs, who usually make noises about corruption prevailing in the state, has filed an RTI to unearth corruption.

The minimal use of RTI Act does not, however, suggest that corruption in Meghalaya is also minimal. In fact, the India Corruption Study 2007 says that corruption in Meghalaya is “alarming”. Mooshahary had described the Northeast, including Meghalaya, as “trapped in a whirlpool of corruption” after the report was released.

In 2003, E K Mawlong-led coalition government collapsed when its alliance partner, the NCP, pulled out after NGOs — under the banner of People’s Rally Against Corruption — accused the state Government of selling out the Kolkata Meghalaya House deal to Asian Housing Construction Limited. This was the only agitation against corruption that led to the ouster of a government in the state.

Also, take the case of six power projects that have been awarded to private companies by the previous Congress-led Meghalaya Democratic Alliance (MDA) government. Several NGOs, political parties such as the NCP, United Democratic Party and others, which now form the Meghalaya Progressive Alliance (MPA) coalition government, had dubbed the agreement between the MDA government and the six private companies as a "total sell out" and demanded that the deal be scrapped. The onus of scrapping the deal falls on the parties that had demanded it, as these political parties are now in power. After all, the NCP and its allies had fought the election on the plank of corruption in governance.

12<sup>th</sup> July 2008

### **No RTI cover for ex-Nagpur civic chief**

The Times of India

MUMBAI/NAGPUR: An order under the right to information act passed by information commissioner (Nagpur), Vilas Patil, has sent shock waves in the entire bureaucracy and top police brass.

Patil has asked the general administration department (GAD), headed by chief minister Vilasrao Deshmukh, to disclose the assets of former Nagpur municipal commissioner Lokesh Chandra and his wife Abha Shukla.

Shukla was additional divisional commissioner of Nagpur. Currently both are on deputation with the centre.

Senior IAS and IPS officers are planning to meet and decide the course of action. As per all India civil service rules, IAS and IPS officers are expected to file an annual statement on their immovable assets to the GAD. These envelopes are never opened, except by court order.

On his part, Lokesh Chandra has sent a letter to chief secretary Johny Joseph, saying the order passed by Patil was not in conformity with the provisions of the right to information act and that it has caused unwarranted invasion of his privacy.

Sunil Mishra had approached the information officer for details of annual property returns filed by Lokesh Chandra and his wife. After his application and first appeal was rejected, Mishra filed a second appeal before Patil, who accepted it.

Lokesh Chandra has pointed out that not only the central information commissioners, but even Maharashtra chief information commission had rejected such applications in the past.

He quoted an order passed by central information commissioner, M M Ansari.

In the case, Ansari had observed that the information sought was personal, the disclosure of which may have caused undue invasion of privacy.

Chandra has attached several orders passed by the CIC to support his contention. Chandra also pointed out that as civic chief, he had initiated action against Mishra and institutions controlled by him for illegally occupying NMC building. "Mishra's intention for seeking information was malicious," Chandra pointed out. Now he expects the CS to step in to resolve the row over the order passed by Patil.

11<sup>th</sup> July , 2008

### **RTI reply blows lid off netas' role in babus' transfers**

The Times of India

NAGPUR: Government servants using political connections to 'manage' their postings may be an open secret. However, this nexus has been proved - in black and white - with the help of the Right to Information Act.

A reply to a query regarding the transfer of an officer in sales tax department also had a list of 33 officers who had used political recommendations for getting or cancelling a transfer. Many wanted a transfer in the enforcement wing of the department, which is said to be a plum posting. In the case of the official whose transfer was questioned, it was none other than the then chief minister Sushilkumar Shinde who had backed the case.

Other officials had sent letters of politicians including Ajit Pawar, Chhagan Bhujbal, Ashok Chavhan, Vijayinsingh Mohite Patil, Nitin Raut, Hussain Dalwai and Suresh Lad.

Though it is unclear whether the other officers got the posting of their choice, the RTI reply mentioned that using such recommendations is against the norms.

The query pertained to the transfer of an assistant commissioner of Sales Tax M K Pendhari in 2003, who was recommended by Shinde to be transferred to the enforcement wing at the department's Mazgaon office in Mumbai.

Along with Pendhari's details, the department also gave a document indicating names of other officers who had used this mode.

In regards of Pendhari, the department replied that he was transferred as it was recommended by MLA Sevak Waghaye from Bhandara and former MP Gurudas Kamat and both the letters bore a remark by Shinde himself.

Ironically, the department has also appended two official orders prohibiting employees from using political clout to get work done. In his letter to Shinde, Waghaye said the officer (Pendhari) is a 'close friend' and that he should be transferred to the enforcement wing of the department's Mazgaon office. The letter also has a two-word order undersigned by Shinde to transfer this officer. Gurudas Kamat, in his letter, mentioned, "The officer is known to me is and I request you to post him in the enforcement wing."

However, the RTI reply clarified that the transfers were done only after these officers met the required criterion, though they had sought political recommendation as well.

Among the 33 officers, D J Channe and M K Pendhari had done the highest lobbying and there were instructions to take action for breach of discipline against them and serve them show-cause notices too.

The query was posed by the Sales Tax Practitioners Association, Nagpur who had complained against Pendhari during his Nagpur tenure in 1997.