

RIGHT TO INFORMATION - 2012

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**Compiled By
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Police vehicles running without no-pollution certificates: RTI info (1)

SHIMLA: After Himachal Roadways Transport Corporation (HRTC) buses plying without no-pollution certificates, a group of youngsters through information obtained under RTI Act, 2005, have highlighted that most of the vehicles used by HP police department in Shimla, Kullu, Mandi, Hamirpur and Kinnaur districts are running without no-pollution certificates. Kanika Bunker, Suman Kadam and Sunil Jaitley, who are on a mission to create awareness about pollution in the state, said on Saturday, "Information was sought earlier from regional managers of 23 HRTC depots in the state and it was discerned that many of the depots did not possess smoke meters and that the buses were plying without the mandatory no-pollution certificates. After this, information was sought from offices of police SP in Shimla, Mandi, Hamirpur, Kullu and Kinnaur about no-pollution certificates for vehicles used by police in the respective areas." The information highlights that 99 heavy and light vehicles are in the possession of police in Shimla district and none of these vehicles possess no-pollution certificate. Similarly, in Mandi district, police are using 30 heavy and light vehicles, 56 in Kullu and 29 in Kinnaur, while none of them possess no-pollution certificates. The only exception was Hamirpur where three vehicles of police possess no-pollution certificate, out of the total 36 heavy and light vehicles being used. Besides this, information was sought under RTI about different facilities in police booths in Shimla and it was revealed that out of the total 37 booths, 27 were running without electricity connection while no heaters/heat convectors were provided for persons on duty in the booth in winter season. Taking cognizance of the RTI information, DGP Dr D S Minhas has ordered that no-pollution certificates should be procured within a month for all vehicles used by HP police. (Times of India 1/1/12)

Obtaining RTI info from NMC a tough job (1)

NAGPUR: Despite stringent directives from the central and state government to make it easy for applicants to obtain information under Right to Information Act (RTI) Act, officials in many Nagpur Municipal Corporation (NMC) office continue to take applications lightly. Dilly-dally tactics and indifferent treatment to applicants is described as natural in NMC. The two most common problems being created by officials are refusal to accept applications by directing applicants to other officials, and giving incomplete information. Besides, officials pay least interest towards the applicants and do not follow time period as prescribed in the RTI Act. RTI activist Avinash Prabhune told TOI officials do so purposely, to discourage applicants. "I have faced numerous problems while obtaining information under RTI Act. The officials have to provide information within 30 days or give appropriate reasons. This never happens, most of the times. Even the reply to the application is not sent within given time. Besides, information provided is many a times not at all related to what we demand. I have got good experience of these problems at many government institutions like Central Railway, Mahatransco and other too," he said. Even the media has had to face such indifferent attitude from officials at NMC towards RTI applicants. This correspondent filed an application under RTI Act with NMC's general administration department (GAD) on October 25, 2011. The official concerned at GAD sent letters to eight departments, directing them to provide information at their level. Officials from six departments have replied that the query was not related to their department. The information was made available from one of the two remaining departments, but that too just photo copies of official documents. Many of the officials do not know that reply also has to be given in written, or in yes or no format. There was no reply within the 30 days from the remaining department, which was Mangalwari Zone. The office later called up the correspondent, to come and collect the information. Asked about the lack of replies via letter, deputy engineer VW Gabhane said it was routine practice to inform applicants on phone. "NMC has not given us any training to make us aware about the process," said the officer. Additional deputy municipal commissioner (GAD) Sanjay Nipane that NMC has conducted camps to train officials. "There might be some negligence from one or two officials,

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but no major complaints have come forward even though there are large number of departments at NMC," he said. (Times of India 2/1/12)

RTI: Babus pull a chameleon act (1)

New Delhi, January 03, 2012: Different central government departments have different interpretations of the transparency law, Right To Information. While some government departments have proactively disclosed information, others have denied it, citing prohibitory clauses. HT had filed a RTI application with the Cabinet Secretariat, seeking copies of the minutes of the Group of Ministers and Empowered Group of Ministers constituted since June 2009. The secretariat forwarded the application to all central government departments. Almost four months after the RTI application was filed, over 50 departments responded. Some ministries such as home affairs, urban development, law, information and broadcasting and commerce provided the copies of the minutes of the ministerial groups. The urban development ministry provided minutes of the GoM constituted to decide Phase-III of the Delhi Metro. The law ministry provided copies of the GoM to confer voting rights to non-resident Indians and Judicial Accountability Bill. The commerce ministry gave the minutes of the GoM on price stabilisation fund scheme for coffee, tea, rubber and tobacco growers. But these were the exceptions. The civil aviation ministry refused to provide minutes of the GoM that took a final view on amendments on the Anti-Hijacking Bill. Without specifying the clause under which the information was denied, the ministry's public information officer Ashok Kumar said, "the details of the GoM meetings and actions taken thereupon cannot be divulged". The department of administrative reforms and public grievances, which considered a report to strengthen the RTI Act, failed to provide the information sought. Instead, it directed the applicant to visit its website to find the required information. The RTI law, however, clearly states the information has to be provided in the format sought. Citing section 81 (a) of the RTI Act, the Department of Industrial Policy and Promotion refused to provide information regarding salt pan lands in Mumbai and its suburbs. Providing such information will "prejudicially affect the economic interest of the state", it said. The ministry of finance provided details of the decision on price of sale of shares of Central Public Sector Enterprises, but refused to give the minutes citing section 8 of the RTI Act, which says the information cannot be provided unless the decision is completed. (Hindustan Times 3/1/12)

Citizens have the right to know how judges are appointed: CIC (1)

New Delhi: The Supreme Court's denial of an RTI request for details of correspondence between the law minister and the Chief Justice of India about the procedure for appointment of judges has led the Central Information Commission (CIC) to ask whether citizens have no right to know how their judges get their jobs. "It cannot be anybody's case that the change in the procedure of judges should happen completely outside the notice or the knowledge of the citizens of India and that (they) should not be given an opportunity to articulate their views. The objective of the RTI Act is precisely to help create an informed citizenry (which) can hold the state and its instrumentalities to account," Chief Information Commissioner Satyananda Mishra wrote in his order. "...The procedure of appointment of judges or any proposal for modifying that procedure should necessarily be available in the public domain so that the citizens know what is transpiring among the major stakeholders, in this case, the Government of India and the CJI..." The order came on an appeal filed by RTI activist Subhash Agarwal to access written communications between the CJI's office and then union law minister Veerappa Moily on the proposal to modify existing procedure with an aim to appoint judges who meet high standards of competence and integrity. This is the second time that the CIC has confronted the SC about judges' appointments. It had earlier ordered that the process of appointment should not be a closed-door affair of the collegium — an order that saw the SC appeal to itself and successfully get a stay on the CIC's decision. The matter was then referred to a constitution bench. (Indian Express 5/1/12)

RTI rift derails Delhi Metro on deaths (1)

New Delhi: The Supreme Court today wanted to know from the Delhi Metro Rail Corporation (DMRC) as to how information on the structural drawings and design of metro corridor pillars were leaked and posted on the website when it was claiming that such information cannot be disclosed under the RTI law. "Has any effort been made to find out how it was leaked and put on the website. You can find out," a bench comprising justices P Sathasivam and J Chelameswar said while staying the order of the Delhi High Court which had asked the DMRC to make public information about the July 2009 collapse of a metro corridor pillar at Zamrudpur in south Delhi killing six persons. The DMRC has challenged the August 1, 2011

judgement of the division bench of the High Court which had held that there was no security threat in providing such information under the Right to Information (RTI) Act. Attorney General G E Vahanvati said not only for the security reasons but also for the commercial considerations the information on structural drawings and planning of Delhi Metro cannot be made public as there was always a fear that it may go into wrong hands. He said DMRC is a flagship company which is competing for the metro projects in other cities and in view of that "how can there be no confidentiality". However, Sudhir Vohra, a Delhi-based architect, who is seeking information on the issue, said the plea of security concern cannot hold water as he was not asking for information on airports, oil pipelines or power plants. He said he had written a letter to DMRC for the drawing of one pillar which broke down in the year 2009 and he received a reply from the top official that there was a defect in the design resulting in the collapse. "I no longer want the drawing as I got the admission of their guilt. Now I want to know (from the apex court) whether I am entitled to get information," Vohra, who was himself arguing his case, said. The bench said Vohra's claim seems to be "reasonable" and posted the matter for hearing on February 21. However, when the architect said "admitting the design fault was more criminal than the construction fault," the bench shot back at him saying "by citing this, tomorrow somebody will ask about Kudalkulam nuclear plant in Tamil Nadu as to how it is working". The architect said an FIR has been registered about the leakage of information about the drawings and designs of the pillars and perhaps the drawings were stolen. The division bench of the High Court had dismissed the DMRC's appeal against the High Court's single judge bench order which had upheld the CIC's March 2010 order for disclosure of information on the issue. The architect had filed an application under the RTI Act asking the DMRC to give him all structural drawings of both the pile foundation and the superstructure, including all steel reinforcement details, foundation details, engineering calculations and soil tests pertaining to the cantilevered bracket of Metro Pillar No 67 which had collapsed July 12, 2009 resulting in the death of six persons and injury to many others. The DMRC had contended that if the details of the designs and drawings are disclosed to the applicant for the public at large, there was a possibility of anti-national elements causing sabotage to the structures at the vulnerable points and that is why photography of certain sensitive structures such as bridges, etc. was prohibited. However, the High Court had said there may be a situation where disclosure may affect the security, strategic, scientific and economic interests of the State but the present case is not such a one. The Central Public Information Officer of the DMRC in July, 2009, declined the information sought on the ground that it was intellectual property of the DMRC and considerable cost and time had been spent in preparing the design. Later, the CIC had directed the DMRC to supply the information as sought by the RTI applicant. (The Financial Express 9/1/12)

RTI activist murdered in Kolathur by land mafia (1)

CHENNAI: Police have booked former DMK legislator B Ranganathan as the prime accused in the murder of a man who was fighting against land-grabbers in Avadi on the outskirts of Chennai. S Bhuvaneshwaran, 38, was hacked to death in the presence of his four-year-old daughter in Kolathur on Tuesday. Bhuvaneshwaran had filed RTI applications to retrieve titles on about 18 acres of land belonging to his family and other acquaintances after the plots were forcibly occupied by a gang, allegedly led by the former DMK MLA. He was in the process of filing more RTI applications to help other owners strengthen their claims on roughly 82 acres of encroached land in Veerapuram near Avadi. Bhuvaneshwaran, who lived in Gandhi Nagar in Kolathur, was on a motorcycle with his daughter on Tuesday around 12.15pm when two bike riders intercepted them on Fifth Cross Street near his house. One of them grabbed the girl. The other got off the bike and hacked Bhuvaneshwaran with a sickle. They abandoned the child on the road and fled, police said. Neighbours called the family who took Bhuvaneshwaran to a nearby hospital and later to Kilpauk Medical College Hospital where doctors declared him "dead on arrival." West Chennai joint commissioner of police K Shankar and Villivakkam assistant commissioner of police K Kannan visited the murder scene. Preliminary inquiries revealed it was a murder allegedly instigated in connection with the land encroachment. The prime accused, Ranganathan, is among several former DMK MLAs and ministers who have been booked on land-grabbing charges after the AIADMK government took over. Ranganathan was arrested in August 2011 on a similar land-grab charge but released on bail. Subsequently, he was detained under the stringent Goondas Act. Bhuvaneshwaran's father Siva, in his complaint, said Ranganathan could be behind the killing. Siva, who worked as a ticket examiner in the State Express Transport Corporation, was given power of attorney by a friend, Madhavan, for a 30-acre property in Morea village in Veerapuram near Avadi. Siva said he took voluntary retirement from SETC to look after the property. He later sold 20 of the

30 acres and gave a share of the profits to Madhavan. Later, Madhavan gave the remaining 10 acres to Siva as a gift. Siva said a group of people allegedly backed by Ranganathan had encroached on 100 acres of land, including 30 acres belonging to him and Madhavan. Bhuvaneshwaran had fought a legal case, filed many RTI applications and staged demonstrations to attract the government's attention. He managed to recover more than 18 acres and had filed more RTIs to retrieve the rest, police said. Kolathur police have registered a murder case and launched a hunt for the accused. (Times of India 11/1/12)

Bhopal "bureaucrat club" to come under RTI: State CIC (1)

Bhopal, January 12, 2012: The Madhya Pradesh Chief Information Commissioner has ruled that the elite Arera Club of Bhopal, associated chiefly with bureaucrats and the city's wealthy, shall be under the purview of the Right to Information Act. Chief Information Commissioner Padmapani Tiwari in an order passed on Thursday, rejected the club officials' contention that the club was a private body and did not fall under the purview of the RTI act. The CIC order came on an appeal made by Transparency International activist Ajay Dube who had sought information regarding the financial activities of the club. The club administration refused the information on the grounds that the club was not covered under the RTI act. "It is clear that the club was established by the State government and State funding is provided to it from time to time. Therefore, the club administration is ordered to provide the information sought by the applicant immediately," read the order. The club's information officers were not present for the hearing. "The Arera Club's activities are funded by the State government, lavish dinners are organised by the club with public money and so there is no reason for it to be exempt from the RTI act," Mr. Ajay Dube, the applicant told The Hindu. (The Hindu 12/1/12)

RTI activists appeal to collector for protection (1)

COIMBATORE: Over 75 activists protested in front of the Red Cross building here on Friday demanding protection from the government in the wake of the murder of Chennai-based RTI activist S Bhuvaneshwaran. The group also submitted a memorandum to the district collector, a copy of which has been forwarded to the cell of chief minister J Jayalalithaa. Demanding a solatium for the family of Bhuvaneshwaran, the RTI activists also sought the arrest of the concerned Public Information Officer (PIO). "As per the RTI Act 2005, it is the responsibility of the PIO to maintain the secrecy of the RTI applicant's contact information. But in this case it is clear that the offenders have been kept well informed about the various information pertaining to Bhuvaneshwaran," a memoranda issued by the activists to the chief minister said. "Therefore we request you to instruct the authorities concerned to immediately suspend and arrest the said PIO where the deceased had filed an RTI application, for gross negligence of duty and breach of trust, in addition to violation of the RTI Act," the memorandum further said. Rajkumarr Velu, director (operation) Fifth Pillar, said until now the physical assault of RTI activists happened only in north India. "For the first time this culture of violence has entered Tamil Nadu," he said. Asked if he had received any verbal threats, Velu said he had not received any so far. "We met the collector and handed the petition to him. He patiently listened to us and promised to help. He has taken over only today. We are forwarding the memorandum to the chief minister's cell. We are also asking PIOs not disclose information on applicants," he said. RTI activist S Bhuvaneshwaran, 38, was killed on January 10, in the presence of his four-year-old daughter Yamini by a land mafia near Kolathur in Chennai. The deceased had filed RTI applications to reclaim titles on 18 acres of land belonging to his family and other acquaintances after the plots were forcibly occupied by the land mafia. RTI activists asked the chief minister to deal with the situation with an iron hand, hoping to deter others from committing such crimes. "In the present situation we don't feel threatened. But when we go to the same office, like the railways or the corporation, for instance, there is a chance that we might be marked and avoided. But so far, I have to admit that I haven't feared bodily harm," said Vinod Srinivasan, executive committee member, Fifth Pillar, and businessman. K Durai Raj of the Loksatta Party and an RTI activist said that the culture of preventing RTI activists from filing applications and creating a fear psychosis in their minds has entered Tamil Nadu and has to be combated. "We should condemn such heinous acts," he said. (Times of India 14/1/12)

Activists criticize lack of info on RTI (1)

GURGAON: RTI activists in Gurgaon have long been complaining of the flawed information apparatus here. The trouble is a lack of experience on the part of the information officers, and a training regimen which falls short of the requirements. In an RTI response, the state information commission has revealed that in the past seven years, since the inception of the RTI Act, 2005, only five workshops have been

conducted by it, a figure deemed inadequate by activists. According to the Gurgaon-based activist, Aseem Takyar, who filed the RTI application, only five workshops in the last seven years are in no way sufficient enough for a bureaucracy which is of such a scale. "You have so many state public information officers in every department in Gurgaon. Every executive engineer in HUDA, for instance, acts as an SPIO. Then, there are dozens of assistant PIOs in all departments," he said. (Times of India 15/1/12)

Chhattisgarh hikes RTI fee for information on state secretariat (1)

Raipur, January 16, 2012: The Chhattisgarh legislative assembly has decided to charge Rs 500 as application fee to acquire information on the secretariat of the Vidhan Sabha under the Right to Information (RTI) Act. This is 50 times more than the application fee of Rs10 that is prescribed or charged in various government departments across the country. Details on the attendance of the MLAs, expenses incurred on each MLA per day during the session of the House, the number of foreign tours organised for MLAs, gifts given to legislators and their staff, issues taken up by various committees, their findings and the follow-up action are some of the things that can be acquired through RTI applications. If the applicant wants to procure documents, an additional fee of Rs15 per page will be charged. The fee for all other government departments is just Rs 2. If applicants want to only go through the documents, they will be charged Rs50 for the first hour and Rs10 for every 15 minutes after that. The "negative" move has drawn severe criticism from activists who feel that a high fee will discourage genuine applicants. "The state assembly should lead by example showing more transparency but this is extremely sad. The state information commission should take suo-motu cognizance in the interest of people," said Prateek Pandey, RTI activist and convener of Chhattisgarh Citizen Initiative. The state information commission refuses to arbitrate. "We have no authority to comment or intervene on such decisions," Serjius Minj, chief information commissioner, told HT. Another activist Sanjay Thakur criticised the state assembly for bringing out the notification after nearly five years. "Instead of pro-actively facilitating the disclosure of as many information as possible the attitude is frustrating," said Thakur. The Vidhan Sabha secretary Devendra Verma however justified the decision. "The assembly already functions as information dissemination institution whenever it remains in sessions. So why encourage those who just file applications with ulterior motive?" Verma said. (The Hindustan Times 16/1/12)

RTI activist objects to 'B' report in home minister case (1)

Bangalore: An RTI activist today challenged filing of a "B" report by Lok Ayukta police, giving a clean chit to Karnataka Home Minister R Ashoka in a case pertaining to alleged misuse of office in land denotification. The activist Vijaykumar Hiremath, who had filed a private complaint, charging Ashoka with getting a piece of land denotified violating rules, filed an application in the Lokayukta court, challenging the Lokayukta police action in submitting a "B" report in the case. Judge NK Sudhindra Rao adjourned the matter to February 10 for further hearing. Lok Ayukta police on December 16 had filed the "B" report on the private complaint, giving a clean chit to Ashoka. They had submitted a report to Lok Ayukta Judge N Sundhindra Rao, exonerating the minister of the charge into which it had ordered a probe, based on Hiremath's complaint. They had also submitted it was the fault of the landowner and sub-registrar and not Ashoka for registering the property, which the minister had bought after it was notified by Bangalore Development Authority. As per law BDA notified land cannot be sold and sub registrars should not facilitate any such sale, it contended. Moreover, Lok Ayukta police said the original land owner, not Ashoka, had given a letter to former Chief Minister BS Yeddyurappa, asking for denotification of the land. Hiremath had filed the complaint accusing Ashoka of being involved in illegal denotification of government land, causing an estimated loss of Rs50 crore to the state exchequer. He had alleged the minister had secured denotification of 23.12 guntas (a gunta is 1/40 of an acre) of land belonging to BDA when BS Yeddyurappa was Chief Minister. Hiremath however, has said he would move the Supreme Court. (DNA 17/1/12)

Transparency commission is now more transparent (1)

AHMEDABAD: It is a small step that can go a long way in ensuring transparency in the transparency commission. From January 9, the list of pending cases is displayed on the Central Information Commission's (CIC) website (www.cic.gov.in) and it will be updated every month. Those seeking information under the Right to Information (RTI) Act will no longer have to wonder what happened to their applications and appeals. The man behind the move, Shailesh Gandhi, one of the five central information commissioners, said this will "reassure citizens that there is fairness in taking up their cases and also help

the CIC correct its mistakes." Welcoming the move, RTI activist C J Karira said it would help people track their appeals and complaints and also ensure that no one would be able to jump the queue. He hoped the other four commissioners, too, would soon start listing the cases pending before them. Gandhi says he stumbled upon this lacuna when he received an RTI application in June last year asking for the decision in a case registered in May, 2010. A search revealed that the case had not been listed for hearing inadvertently. Delving further, Gandhi realized that another 110 cases filed in 2010 had been forgotten and missed completely. "We listed these for hearing and in one of them, there was a heart rending story," said Gandhi, the only RTI activist to be appointed a central information commissioner. The case was regarding the illiterate widow of a central government employee who had been struggling since his death in 1993 to get the pension she was entitled to. "She probably could not pursue the matter properly and each time the system required further evidence to establish her claim. By the time she managed to submit the required papers, it took years and office inefficiencies meant she would have to wait for some more years for the pension," said Gandhi. The widow appeared before Gandhi and will get her pension and all the dues soon. It will always haunt me for my life that after her 17-year struggle, I was instrumental in delaying succour to her by a full year," said the central information commissioner, who prides himself on deciding cases before him in less than three months. Gandhi says he now realizes that in most cases, citizens who approach quasi-judicial bodies have no way of knowing whether their cases are in queue, and whether any logic is being applied in taking up the matters waiting in this queue. It is necessary that there is transparency in this matter and that citizens can see the queue and also feel assured that it is being dealt with in a transparent non-arbitrary manner," he said, urging other organizations to emulate the central information commission. (Times of India 18/1/12)

HC information eludes RTI applicant even after a year (1)

MADURAI, January 22, 2012: Information sought under the Right to Information Act, 2005 from public authorities must be provided within 30 days as per the legislation. But even the Madras High Court does not seem to follow the time limit scrupulously as it had not provided information sought by an applicant even after one year since the application was filed and six months after information was promised to be provided. The RTI application was filed by an advocate here as early as on December 30, 2010 with six queries. Replying to it on July 27 last year, the High Court's Assistant Public Information Officer (APIO) V. Devanathan provided information for four queries with an assurance that the answers for the rest of the two queries would be provided at a later point of time. But the promise has not been kept till date. The two queries, for which the information was yet to be provided, included details of judicial officers who were subjected to disciplinary action between 2006 and 2010, the charges levelled against them, the nature of punishment imposed on them and district wise particulars regarding vacancies in the post of judges, government advocates and court staff. However, information provided to the other queries of the applicant has revealed that the revenue earned by the State Government through stamps and court fee paid by those who file cases in the Madras High Court, its Madurai Bench as well as the lower courts in the State was less than 30 per cent of the expenditure incurred by the government every year for the judiciary. As per the information provided by the Chief Accounts Officer of the Madras High Court through the APIO, the revenue obtained through stamps and court fees and remitted to the government account was Rs.68.24 crore in the financial year 2006-07, Rs. 76.63 crore in 2007-08, Rs. 79.07 crore in 2008-09, Rs. 76.58 crore in 2009-10 and Rs. 95.21 crore in 2010-11. On the other hand, funds sanctioned by the government to the judicial department through budget allotment during these five years was Rs. 204 crore, Rs. 239 crore, Rs. 333 crore, Rs. 388 crore and Rs. 564 crore respectively. Of this amount, the expenditure was Rs. 207 crore, Rs. 233 crore, Rs. 317 crore, Rs. 381 crore and Rs. 372 crore (expenditure up to December 2010). The expenditure included payment towards monthly salary, medical allowance, house rent allowance, travel concession, honorarium, dearness allowance and non-salary items such as travel expenses, office expenses, rent, hospitality or entertainment, sumptuary allowance, festival advances, prizes, awards, books, notebooks, computer accessories and maintenance of court buildings. Replying to another query, the APIO said that there were a total of 818 lower courts across the State including 107 District Courts, 49 Fast Track Courts (FTC), 205 Sub Courts (including Chief Judicial Magistrate courts), 184 District Munsif courts, 209 Judicial Magistrate courts and 63 District Munsif-cum-Judicial Magistrate courts. The district-wise details of lower courts showed that at least eight districts — Kanyakumari, Karur, Krishnagiri, Nagapattinam, Nilgiris, Sivaganga, Thiruvannamalai and Thiruvavur — did not have even a single FTC. Dharmapuri, Dindigul, Kancheepuram, Namakkal, Perambalur,

Pudukottai, Ramanathapuram and Theni districts had only one FTC each. The rest of the districts had between two to five FTCs each. (The Hindu 22/1/12)

CIC opposes Chhattisgarh's move to hike RTI application fee (1)

NEW DELHI: Central information commissioner (CIC) Shailesh Gandhi has written to Chhattisgarh chief minister Raman Singh protesting against the state legislature's decision to raise the RTI application fee to Rs 500. The decision was taken recently by the state and has come under criticism considering that the Central government charges Rs 10 as application fee and Rs 2 per page for providing information. Gandhi has also sent letters to the Chhattisgarh Speaker, the leader of opposition and the state information commissioner. Describing the move as "disturbing" and "unfortunate", Gandhi said it was "against the spirit and purpose of the RTI Act and would be unwarranted discrimination against citizens who seek information from the Legislative Assembly. This would give rise to suspicion and speculation that the legislative assembly wishes to discourage citizens from exercising their fundamental right." The assembly had ruled that Rs 500 would be charged per application and Rs 15 per page as additional fee. "I am sure the Chhattisgarh Assembly will set a good example to promote citizen's fundamental rights and reduce the application fee and the additional fee to Rs 10 and Rs 2, respectively, at the earliest," he said. While the RTI Act does not prescribe a fee, the law mandates that it should be "reasonable" and no fee be charged from people below poverty line. (Times of India 25.1.12)

Activists urge Chhattisgarh to reduce RTI fees (1)

NEW DELHI: The National Campaign for People's Right to Information (NCPRI) expressed "dismay" over the Chhattisgarh assembly's decision to increase RTI application fees by 900% from Rs 50 to Rs 500. Fees per copy has been increased to Rs 15 and the inspection of documents to Rs 50. In a statement signed by Venkatesh Nayak, Nikhil Dey, Angela Rangad and Ramakrishna Raju, NCPRI said, "A move of this nature can only be designed to discourage potential RTI users from filing applications. The net result will be to significantly and negatively affect the transparency of the legislative assembly. In particular, chances of the poor using RTI to ask questions and take documents of documents from the legislative assembly will be seriously compromised." The group added that the issue of exorbitant fees being imposed by various public authorities was raised many times and in some cases the public authority concerned had reconsidered and brought the fees in line with what has become the national norm - Rs 10 per application and Rs 2 per copy. NCPRI has strongly urged the Speaker of the Chhattisgarh assembly to reconsider this decision and would like to suggest that the fees be reduced from Rs 50 to Rs 10. Earlier, information commissioner in the Central Information Commission Shailesh Gandhi had written to the Chhattisgarh chief minister, Speaker and leader of opposition urging them to reconsider the decision to hike RTI fees. Describing the move as "disturbing" and "unfortunate", Gandhi said it was "against the spirit and purpose of the RTI Act and would be unwarranted discrimination against citizens who seek information from the legislative assembly. This would give rise to suspicion and speculation that the legislative assembly wishes to discourage citizens from exercising their fundamental right".The assembly had ruled that Rs 500 would be charged per application and Rs 15 per page as additional fee. "I am sure the Chhattisgarh assembly will set a good example to promote citizen's fundamental rights and reduce the application fee and the additional fee to Rs 10 and Rs 2 respectively at the earliest," he said. (Times of India 27/1/12)

Penalty imposed on nine PIOs under RTI Act (1)

HYDERABAD, January 29, 2012: Jannat Hussain, Chief Information Commissioner, AP Information Commission has imposed penalty on nine Public Information Officers belonging to various departments in different districts. Mr. Hussain heard the cases in December, 2011 against the officers for not complying with the provisions under the RTI Act and issued orders imposing a penalty of Rs.5,000 and Rs.10,000. The cases had been registered in 2009 and 2010. The PIOs are: K. Prabhakar Rao, the then RDO, Visakhapatnam; V. Simhadri, the then Tahsildar, Anakapalli mandal; Madhava Rao, then SI, Ogili Police Station, Nellore; N. Kishore Babu, then SI of Kavali Rural Police Station; T. Chiranjeevi, then Tahsildar, Ongole mandal; V. Sanya Tappad, then Tahsildar, Garividi mandal, Vizianagaram; K. Maruti Krishna, then SI, II Town Police Station, Nellore; M. Raveendra Babu, then DRO, Ongole and R. Siva Shankar, Additional Secretary, APPSC, Hyderabad (The Hindu 29/1/12)

Revisit RTI provisions you framed: CIC to Rajasthan HC (1)

Mumbai: The Central Information Commission (CIC) in New Delhi has asked the Rajasthan High Court to revisit a number of provisions framed by it pertaining to the Right to Information (RTI) Act. The commission passed the order in response to an appeal by a Mumbai-based RTI activist, Sunil Ahya. Ahya sought to know the reasons why the Rajasthan HC framed certain rules under the Rajasthan Right to Information (High Court and Subordinate Courts) Rules, 2006, which he contended, were contrary to significant provisions of the original act. Significant regulations which were brought to light stipulate that the applicant has to attach a self-attested photograph to the application and has to make several declarations in his plea, including a statement that the "motive for obtaining such information is proper and legal." Chief Information Commissioner Satyananda Mishra noted that these rules are "not in conformity with the provisions of the Right to Information (RTI) Act, 2005." Further, the rules of the Rajasthan HC in Section 5 (1) hold that "if the requested information does not fall within the jurisdiction of the authorised person, it shall be conveyed to the applicant in Form C as early as practicable." The original rules, however, stipulate that if the information is not available with public information officer, he should transfer the application to the relevant public authority. Goregaon resident Ahya approached the commission after he was denied information regarding the reasons for framing these rules. The panel noted, "Section 28 of the RTI Act vests the power to make rules in the competent authority in order to carry out the provisions of the Act; it does not give any power to the competent authority to frame rules to restrict the rights conferred by the Act." (Indian Express 30/1/12)

RTI activists angry with State (1)

HYDERABAD, February 1, 2012: The government has appointed eight Information Commissioners after a Committee for their selection comprising Chief Minister N. Kiran Kumar Reddy, Deputy Chief Minister C. Damodara Rajanarsimha and Leader of the Opposition N. Chandrababu Naidu cleared their names. They include bureaucrats -- a serving IPS officer M. Ratan, former Commissioner of Police, Cyberabad, S. Prabhakar Reddy and former Principal Chief Conservator of Forests C. Madhukar Raj. Four others -- S. Imtiaz Ahmed, Lam Tantiya Kumari, M. Vijaya Nirmala and Varre Venkateswarlu, have either political affiliations or were believed to have been recommended by politicians, while P. Vijaya Babu is the editor, Andhra Prabha . The Committee met for about 45 minutes and "unanimously" selected the eight members after Mr. Naidu drove into the Secretariat in a rare gesture. It is understood that as many as 32 applications were received out of which eight names were finalised. But RTI activists picked holes in the selection and termed it as highly disappointing considering the background of some of them. "It has been converted into yet another rehabilitation centre for politicians and retired bureaucrats, some of whom do not even know how to file RTI application," said D. Rakesh Kumar, RTI activist. Mr. Rakesh Kumar said the RTI campaigners had been opposing appointment of retired bureaucrats on the ground that they were part of the system till the other day and would never appreciate the spirit behind RTI. They also sought barring politicians given their leanings. (The Hindu 1/2/12)

Government pushing RTI into permanent impotency: PDP (1)

Srinagar, Feb 1 : Condemning the alleged sluggish implementation of Right to Information Act, the People's Democratic Party today lashed out at the Jammu and Kashmir government and said it is due to institutional incompetence of the present coalition which is slowly rendering the act as another toothless tiger. PDP General secretary Mohammad Dilawar Mir alleged that manner in which hurdles were deliberately being created to avoid effective RTI implementation apparently pointed to only conclusion that this government and its administration were hell bent on avoiding answers. He said in a statement that this government had even found innovative ways and ideas to circumvent the Act, by either making absurd excuses or making its process tedious. Mr Mir said right from the beginning the Act and its process had been subjected to brazen commercialisation and despite Chief Information Commission's recommendation and Chief Minister Omar Abdullah's hollow assurance vis-a-vis slashing of RTI application fee and photostate charges, nothing had been done so far. He said creating bottlenecks in RTI process underlined determination of the National Conference (NC) government to ensure that no institution came to fore which had the potential to eliminate corruption, irregularities and unaccountability in the government. 'Now the media reports on sluggish RTI implementation have also rubbished the tall claims of a government which, from the last three years, is running on the steroids of tall claims, visits, statistics and rhetoric, he alleged. Mr Mir said people were losing faith in the government vis-a-vis RTI, and they wanted results rather than being bombarded with rhetoric all the time. The PDP leader said disregarding the act by not furnishing the requisite information and failure to evoke any response to letters

of SIC, was a glaring example of how NC-led government was pushing the Act to a permanent impotency. He alleged 'this government has institutionalised incompetence to the grass roots of a government where scams and scandals erupt like rashes and with every new scandal, a benchmark, in terms of its nature is established.' (UNI) (New Kerala 2/2/12)

RTI activists slam nominations of info commissioners (1)

The government's move to project itself as champion of RTI Act by appointing an unexpected eight information commissioners has backfired with protests against the appointments gaining momentum on Thursday. More than 50 civil society organizations joined hands on this issue. The members of the organizations as well as individual RTI activists are now up in arms and are calling the appointments illegal. "It is a blatant violation of the RTI Act as most of the candidates selected for the key roles have direct political affiliation," said Chelikani Rao of Federation of AP Senior Citizens Organizations (FAPSCO). He also expressed his unhappiness over the manner in which the selection process was done. Activists are planning to intensify protests by involving organizations from across the state if the government does not agree to their demand that the appointments be reconsidered. Activists are mainly against the appointment of five commissioners -- L Tantia Kumari, M Vijaya Nirmala, V Venkateswarlu, M Ratan and Imtiyaz Ahmad whose background violates the spirit of the RTI Act. "It is surprising that even leader of the opposition N Chandrababu Naidu has endorsed the appointments. It is nothing but sharing of spoils by political parties," Chelikani Rao said. M Padmanabha Reddy, secretary, Forum For Good Governance, said the appointment of M Ratan, an IPS officer who is still serving in the vigilance and enforcement department, is a clear violation as under the Act anyone holding an office of profit cannot be considered for such a role. Activists now plan to meet the chief minister and the governor in this regard to put pressure on them to revise the list and threaten to launch protests, and even plan legal action if the government fails to relent. S Srinivass Reddy of APSA (Association of Promotion of Social Activities) said, "We are garnering support from across the state and are expecting 150 more civil society organizations to join the cause. We will take this campaign to the public and also involve them." Activists plan to run signature campaigns, satyagraha movements, protest meets, cultural protests and have also decided not to cooperate with the newly-appointed commissioners by not attending any future meetings of the commission. V Lakshmana Reddy of Jana Chaitanya Vedika further informed that they were planning to knock on the doors of Central Information Commission, Delhi on the matter and also meet national-level representatives of political parties to get their support. (Times of India 3/2/12)

State draws flak on RTI nominations (1)

GUNTUR, February 4, 2012: The controversial decision to nominate persons with political/bureaucratic affiliation as Information Commissioners continues to incur the wrath of RTI activists in Guntur district. T.V. Bhaskar, director of Society for Integrated and Rural Inspirity and an RTI activist, in a press release hereon Friday slammed the State government for nominating the persons with political affiliation as RTI Commissioners. Mr. Bhaskar observed that the decision was in contravention of RTI Act Section 15 (6) which has clearly stated that no persons with caste/political affiliation and those with conflict of interest should be appointed as RTI Commissioners. Calling the appointments as arbitrary, Mr. Bhaskar said that he faxed his objections to UPA Chairperson Sonia Gandhi, Prime Minister Manmohan Singh and Governor E.S.L. Narasimhan. Moreover, the persons nominated as RTI Commissioner have no working knowledge of the RTI Act, he opined and demanded that the appointment should be quashed immediately. (The Hindu 4/2/12)

Info panel to hold public hearings to clear RTI pleas (1)

GANDHINAGAR: Gujarat Information Commission plans to hold Lok Darbars (special public gatherings) in all the districts of the state for speedy disposal of pending appeals under Right to Information (RTI) Act. Sources said RTI applicants and concerned public information officers (PIO) would be called at such gatherings in an attempt to resolve the issue on the same day. Maharashtra has considerably reduced its backlog of RTI appeals this way, they said. "We are finalising our plan for Lok Darbars in all the districts and will announce it shortly," state's Chief Information Commissioner D Rajagopalan said. At present, the state has only three information commissioners, less than what some states with smaller population have. Arunachal Pradesh (with a population of 10 lakh) has 5 ICs, Karnataka (5.2 crore) and Jharkhand (2.6 crore) have seven ICs each, while Punjab (2.4 crore) has 6 ICs. As for the staff strength, 10 out of 44 sanctioned posts are vacant, and most are appointed through contracts and using outside agencies. So

far, 22,082 appeals and complaints have been received by the commission since the RTI came into being in 2005. While 13,078 cases were disposed of, 9,004 cases remain were pending as on December 31, 2011, which means a 40 per cent pendency rate. (Indian Express 5/2/12)

'RTI Act has solved many problems of common man' (1)

Pune : The outgoing chief information commissioner (CIC), of Maharashtra Vijay Kuvalekar, opined that the judicious usage of the Right to Information (RTI), Act 2005, has proved potent in solving many problems of the common man. Kuvalekar, was speaking to the media persons, on the eve of his retirement on Monday in Pune. "In my five-year tenure, I have come across many cases, where RTI has been successful in solving the problems of the people. The trick lies in using the Act tactfully and intelligently," he said. Kuvalekar cited the example of cleanliness of the underground passage in the vicinity of Haji Ali Dargah in Mumbai. According to him, the residents had been fighting with the civic authorities, about the upkeep, but their voices were falling to deaf ears. However, during a hearing before the CIC, the civic officials from Mumbai, promised to look after the upkeep of the passage. Also, he cited the example of starting a state transport bus service in Konkan, which was suspended by Maharashtra State Road Transport Corporation (MSRTC), but was restarted following a successful appeal by affected villages. "The villagers had sought the reason for suspension of services. MSRTC officials had replied that the losses incurred in running of the bus, had led to suspension of services. The villagers then asked for the definition of 'loss' according to MSRTC, which revealed that the service in fact was making a profit. Realising this, the officials re-started the service," he said. However, Kuvalekar said the trend of RTI being misused is on the rise, which is a cause of concern. Also, the apathy of the government in terms of providing staff to the offices of various state information commissioner (SIC) was a cause of concern. With the retirement of Kuvalekar, there would be only four SICs in the state out of the eight commissionerates. During his tenure, Kuvalekar said the Pune bench of SIC, had received 16,553 appeals, out of which 12,608 appeals were disposed of. Also, of the 835 complaints received, 686 were resolved. (DNA 7/2/12)

RTI activist attacked in Rajasthan (1)

JAIPUR: A 65-year-old Right to Information (RTI) activist who was working to expose irregularities in the rural jobs scheme MGNREGA in Rajasthan is battling for life at a hospital here after being attacked by miscreants. Dudhram is a former headman or sarpanch of Somalsar village near Nokha city of Bikaner district. "He was brutally beaten up by some miscreants Feb 2 as he was trying to expose corruption in the MGNREGA work in his area," Chetan Ram, an NGO activist in Bikaner, told IANS. He has nine fractures and his kidney was affected in the attack, said Ram. Dudhram's family as well as the NGO alleges he was beaten up by supporters of the current sarpanch. He was admitted in a critical condition at the private S.K. Soni Hospital here. "He is in ICU and showing signs of improvement, but he will take time to recover fully," said a doctor at the hospital where he has been admitted. The incident flared up after Dudhram lodged a complaint with the state government's Anti-Corruption Bureau (ACB) saying six roads were constructed at a cost of Rs.12 crore in 2010 in Nokha. He said in spite of this work not being completed in 2011, work was sanctioned again under MGNREGA for clearing sand from the roads. He alleged that actually no such work was carried out, but around Rs.4 crore was paid for it. The government engineer and people of the area also wrote to the collector that no work had been done after which a team from Jaipur came for inspection. The issue flared up and Dudhram was beaten up brutally, said Chetan Ram. "An FIR was filed against 10 accused, but as per our knowledge no arrests have been made so far in the case," said Chetan Ram. MGNREGA or the Mahatma Gandhi National Rural Employment Guarantee Act is a flagship scheme of the central government guaranteeing 100 days of work every year to one member of every rural household. (NIE 9/2/12)

AP: RTI activists slam selection of RTI Commission (1)

Hyderabad: Finding fault with selection of Information Commissioners in Andhra Pradesh, RTI activists have urged the Governor to reject the names recommended by a panel, contenting that these people have actively participated in politics. The selection panel, comprising Chief Minister N Kiran Kumar Reddy and Opposition Leader N Chandrababu Naidu among others, had recently selected eight persons as the Information Commissioners. Noting that some of the selected persons had actively participated in politics, former Union Home Secretary K Padmanabhaiah said the selection of such persons is not correct as the RTI Act mandates that eminent persons in a variety of fields be picked for the statutory posts. "We are not

exactly on the merits of who have been selected. We are more on the question of the process followed. Our argument is that it is not fair to pick political persons when the law gives a wide scope for selection," he said. Padmanabhaiah, former Andhra Pradesh Chief Secretary K Madhava Rao, retired IAS officer V K Srinivasan and several other information activists met the Governor today under the banner of United Forum for RTI Campaign. "There is a bar under law that people to be considered (for the post) should not be connected with politics. Till recently, three of them were in politics. They contested elections and lost," Padmanabhaiah said. "The prescription is they must be eminent in public life. They must have wide knowledge and experience in certain fields like law, management and social work. What is the criteria to decide that they are eminent?" he asked. Padmanabhaiah alleged that the process of selection of the Information Commissioners lacked transparency as it is not known how many candidates were actually considered. The Governor gave a patient hearing and promised to look into the matter when the file came to him, he said. (Zee News 10/2/12)

Misleading info on gate puts IIT in the dock (1)

New Delhi, February 12, 2012: The Central Information Commission (CIC) has asked the Indian Institute of Technology, Kharagpur, whether it admits students for its Masters in Technology (M Tech) course on the basis of the Graduate Aptitude Test in Engineering (GATE). The GATE brochure says that IITs admit students for M Tech on the basis of the test score, but IIT Kharagpur denied it in a reply to an RTI applicant. This contradictory position was brought before the information commission this week. The GATE test is conducted by IITs for post-graduate admissions. On Sunday, thousands of students from across India took the examination. Rajiv Kumar, the RTI applicant, had sought information from IIT Kharagpur regarding students called for interview on the basis of their GATE score in August 2010. A month later, the IIT told him that no students in IITs were admitted on the basis of the test score. The same was reiterated in a reply to the first appeal filed by Kumar. He then filed a complaint with the CIC, claiming that the information provided was misleading and incorrect. He also attached a brochure of the GATE examination, stating that admissions in all IITs and Indian Institute of Science, Bangalore, for the masters programmes are based on the test result. Information commissioner Deepak Sandhu asked IIT Kharagpur's public information officer A Patro to clarify. Patro claimed that the information was correct. He also told the commission that the information was provided to him by PKG Mohapatra, dean, post-graduate studies, of the IIT. Kumar, a professor at IIT Kharagpur, termed the information "patently incorrect". Sandhu asked Patro to reconfirm the information with the dean and, if it was correct, to state the same through an affidavit. (Hindustan Times 12/2/12)

RTI activist denied info on stuck project (1)

CHENNAI: An RTI activist's efforts to get details on construction of a Rs 189-crore barrage across Cauvery river in Karur district has hit a roadblock with the state information commission (SIC) summarily rejecting his application. The barrage project is stalled for want of funds. When central funding was not forthcoming, the previous DMK government had allocated state funds for the project. A senior public works department (PWD) official said, "We have stopped state funding. The project can be taken forward only if the Centre sanctions funds." The activist, T Retna Pandian, general secretary of the Federation of Anti Corruption Teams (FACT) India, is aggrieved that the commission, before which issues such as the alleged suppression of facts and provision of wrong information by PWD officials were pointed out, did not call him for an inquiry. In the application filed before the public information officer (PIO) in the PWD on September 20, 2011, Pandian raised several queries on the previous experience of the contractor, the initial estimate of the work, revised estimate, various stages set for the completion of the work, stages of payment, inspection report of the adviser to the water resources department (WRD) and whether any sub-contractor was engaged. The PIO replied that the project was initially estimated to cost Rs 150 crore, but the cost was revised to Rs 189 crore following negotiations with the contractor. As the applicant failed to get replies to many queries, he filed an appeal before the appellate authority in the PWD on November 28, 2011. In the reply to the appeal, Pandian was informed on December 23, 2011 that about 67% of work was completed and the contractor had been paid Rs 127 crore. Owing to cost escalation, the department had allotted an additional Rs 2.79 crore to the contractor. The appellate authority claimed that all works until then were carried out by the main contractor. The works, as per the initial order, was to be completed by February 9, 2011, which was later extended up to November 30, 2011. However, works are far from over. Pandian, who was aware of the involvement of a sub-contractor in the execution of the works, filed a second appeal before the SIC, pointing out instances of suppression of facts as well as

provision of wrong information by the PWD officials. An inspection report of the adviser to the WRD said the site engineer engaged by the contractor was not able to provide any information about the project. The WRD inspection was carried out on January 6, 2010. Unfortunately for Pandian, the commission, did not see any merit in his appeal and rejected it even without calling him for inquiry. Asked about this, an official in the SIC said, "The applicant can approach us for a review of the Commission's order. If we see merit in the case, we will review it." (Times of India 15/2/12)

PPP projects with govt aid should be under RTI Act: CIC (1)

NEW DELHI: Despite the government's reluctance to include disclosure under RTI in public-private partnership (PPP) agreements, the Central Information Commission (CIC) on Wednesday said that PPP projects that took state assistance should be brought under the ambit of the Act. The Public Health Foundation of India (PHFI), an autonomous public private partnership project headed by the Prime Minister's cardiologist K Srinath Reddy, comes under the ambit of the RTI Act as it is substantially financed by the government, the CIC said. The PHFI came into existence in 2006 with an initial fund corpus of Rs 200 crore, in which government had contributed Rs 65 crore. It has on its board five senior officials - Planning Commission deputy chairman Montek Singh Ahluwalia, advisor to PM T K A Nair, health secretary P K Pradhan and other health ministry officials. The PHFI had claimed before the CIC that although it places maximum information on its website in public interest, it is not bound to reply to RTI application as it does not come under the transparency law. It also said that the officials that are its board members are occupying the positions in "personal capacity." Rejecting the argument, Information Commissioner Shailesh Gandhi said it was difficult to assume that "senior public servants" can be on the board of PHFI, which has numerous interactions with the government, in private capacity. "This would necessarily imply a conflict of interest. The Commission can only assume that such public servants must necessarily be acting on behalf of the government - when they are required to take executive decisions as members of the board - in a public-private partnership (PPP) such as PHFI. Any other conclusion would be an improper slur on their integrity," he said. Gandhi said it was not possible that public servants could be acting in any manner, but as representatives of the government while on its board and it was also true that significant funding is provided by the state to PHFI. On the issue of substantial funding of PHFI by the government, he said nearly 30% of its corpus fund has come from it and that cannot be considered as "insubstantial". Gandhi noted "with some dismay" that the highest levels of public servants in India did not accept the RTI in PHFI, despite the government substantially funding it and exercising some control. "It follows from the above that PHFI is controlled and substantially financed by the government. Therefore, this Commission rules that PHFI is a public authority under Section 2(h) of the RTI Act," Gandhi added. (Times of India 16/2/12)

Furnish details of medical faculty, CIC tells MCI (1)

PUDUCHERRY: In a significant order that will help eradicate fake faculty members in private medical colleges, the Central Information Commission has directed the Medical Council of India (MCI) to furnish details of faculty members, their designations and their joining dates on its website and update the information every quarter. Puducherry Government Medical Officers' Association general secretary Dr K Sudhakar had filed an application under the RTI Act with the MCI public information officer (PIO) seeking details about faculty members in nine private medical colleges in Puducherry. Unsatisfied with the reply given by the PIO, Sudhakar filed an appeal with the first appellate authority, which failed to pass an order within the stipulated time. Sudhakar then approached the CIC. Commissioner Shailesh Gandhi ordered the MCI to furnish names of faculty members, their designations and joining dates on its website and update the information every quarter. (Times of India 19/2/12)

RTI application that busted NGO's fake recruitment drive in Ranchi (1)

RANCHI: The Right to Information Act (RTI) can be used in different ways not only to expose corruption in government offices and public sector enterprises but also to force private NGOs and societies under Section 2(f) of the act to cough up information. Using the tool, noose can be tightened around those private agencies that try to fool people in the name of being associated with government-sponsored schemes. The option available in the act was utilized by one Vikas Sinha of Ranchi who applied for job in response to an advertisement published in a vernacular daily by Vikas Evam Kalyan Samity. Suspicious about the nature of the NGO, he filed an RTI application with the office of Ranchi deputy commissioner that resulted in a full fledged inquiry and exposure that the NGO was registered with Bihar government and had no association with Jharkhand. It still invited application for 455 posts under the so-called

scheme, Jharkhand rural livelihood scheme, offering salary between Rs 6000 and Rs 12,000 for different posts. The application and inquiry constituted thereafter not only forced the NGO to pack up but the members involved were forced to return cost of application form (Rs 200 each) to all 200 applicants who had applied by the time the irregularity was exposed. Sharing this incident at the two-day regional seminar organized by Media Information and Communication Centre of India (MICCI), Friedrich Ebert Stiftung (FES), Federation of Jharkhand Chamber of Commerce and Industries (FJand the Jharkhand RTI Forum here on Sunday, Sinha insisted to better understanding of the act and its proper use to drive out corruption and cheating. The seminar, "RTI: A potent weapon against corruption", aims at experience sharing and discussion on various ways of using provisions of the act in everyday life. Welcoming the delegates, Jharkhand RTI forum president Balram said that people have to understand and use the act because it still remains confined to the activist and has not been weapon of every ordinary man. "We are making efforts to explain to them the easy ways and applicability of the act besides sensitizing departments to come up for educating people about their rights," he said. FES India senior adviser Rameshwar Dayal said that the concept of RTI originated in Germany and given the success of the act it is now being used by citizens in 120 countries. RTI activist Nandini Sahay who remained associated with the movement for legislating RTI since 1995 said that the form of act adopted in India is one among the best because it has penal provisions for the official delaying or denying information to the seeker. As director of MICCI, she has been associated with awareness drives and sharing success stories of the act. She also hailed Jharkhand RTI Forum's idea of felicitating the commoners who have made best use of the act in betterment of individual or society. The platform was used to announce names of all 26 RTI champions who have been selected for the RTI-2012 awards. (Times of India 20/2/12)

RTI reveals Praful Patel's Air India 'misuse'

New Delhi, Feb 20 : Air India was ordered to fly a larger aircraft to apparently accommodate the family of former Union Civil Aviation Minister Praful Patel on a return trip in April 2010, file notings disclosed by the cash-trapped flag carrier have revealed. According to media reports, since the seven business class seats were already booked on the Airbus A319 aircraft flying from Bangalore to Male on Apr 25, 2010, Air India was made to switch to a bigger A320 to accommodate seven members of Deshpande family, in-laws of Patel's daughter Avni. The same drill was also reportedly followed on April 28 when Patel's family returned from the holiday destination, resulting in more than 50 seats running vacant on both days, media reports said. The information, revealed after a Right to Information (RTI) application, also shows that instructions for the arrangement were issued over email from Mumbai Headquarters that asked to change the "equipment" of Bangalore Male flight on Apr 25 and Male Bangalore on Apr 28. A list now disclosed after the directives of the Central Information Commission also shows that the the passengers included Congress leader R V Deshpande, Radha Deshpande, Prasad Deshpande, Meghna Deshpande and Master Dhruv, in addition to Avni and her husband Prashant Deshpande. Air India, which was hesitant in disclosing the passenger details even after the orders of the CIC citing commercial secrets, provided the details after being slapped with a show cause notice for non-compliance. (IBNS) (New Kerala 21/2/12)

RTI activists holding 'public' ballot (1)

SRIKAKULAM, February 22, 2012: Activists of various non governmental organisations, including United Forum for RTI-AP, on Monday demanded that the government should cancel appointment of all information commissioners alleging that the selection was purely done on political basis. They hailed the decision of the Governor to oppose the appointment of four commissioners who had political background. The organisations conducted a public ballot seeking opinion of the people over the appointment of information commissioners. Forum district president D. Vishnumurthy said the ballot would continue for the next two days at 7 Road Junction and Surya Mahal Junction. "As per the RTI Act, Parliament members and political party leaders are not supposed to be appointed. But the State government completely ignored rules and regulations to convert the Information Commissioners' office as political asylum," said Mr. Krishna Murthy. Representatives of other organisations N. Sanyasi Rao, Baratam Kameswara Rao, and Ramana Murthy have vowed to continue agitation till the government rectified its mistakes. Meanwhile, Telugu Desam Party leaders K.Yerrannaidu and G. Appala Suryanarayana said the Chief Minister N. Kirankumar Reddy was responsible for the controversy and he should resign immediately on moral grounds as the Governor sent back the file opposing the appointment of four persons among the list. "RTI Act is very powerful law to unearth the corruption in various government organisations. Political leaders, who appointed as commissioners, will not allow petitioners to get the

required information from the government," Mr.Yerrannaidu said. A.P. Pachayat Raj Chamber district president M. Appala Naidu launched opinion-seeking exercise on the appointment of RTI committee at RTC Complex on Tuesday. Mr. Naidu said the ballot papers would be sent to the government for action as per the majority opinion of people. (The Hindu 22/2/12)

RTI activist shot dead in Virar)1)

A Right To Information activist was shot dead in Virar, while he was riding his bike late on Friday evening. The assailants fired several rounds from a revolver at him. Two persons are being questioned for the murder. Premkant Jha, 42, was on his way to his Phoolpada residence, when unknown assailants crossed his path and fired several rounds from a revolver at him. Witnesses say one of the bullets hit Jha's head which killed him. PI Yousuf Bagwan of Virar Police Station said, "We have registered a case of murder under Section 302 of the IPC against unknown persons. But we are zeroing on two persons and will question them shortly." The victim is survived by his wife and two sons. Jha was the National Public Relations Officer (PRO) of Bhrashtachar Atyachar Virodhi Samiti (BAVS). Mumbai Mirror 27/2/12)

'Not publishing RTI info cost activist his life' (1)

MUMBAI: The killers of the RTI activist from Virar, Premkant Jha, could be professional shooters who carried out the job, without attracting public attention, the police said. They have detained two suspects but are yet to make a breakthrough. Jha, who worked for an anti-corruption organization, had filed RTI queries, seeking details of several construction projects in Vasai-Virar, which allegedly had largescale irregularities. Jha never made his findings public, but the data collected allegedly revealed the wrongdoings of several builders, politicians and government officials who were reportedly upset with him. RTI activists told TOI that it was the very act of not putting the findings in public domain that cost Jha his life. "The best way RTI activists can be safe is to make their data public. Then, the person/people who have been exposed will be cautious before thinking of harming the activist," said activist Krishnaraj Rao. Jha's family also told the police that he had been receiving threat calls but did not lodge a complaint. They said they were aware of Jha's fight against the land mafia but had never discussed the cases. On Friday, the watchman of Jha's building spotted him lying unconscious in front of the building. The guard alerted Jha's family who admitted him to hospital where he died. An autopsy showed that a bullet had pierced his forehead. Echoing Rao, another RTI activist, Kamlakar Shenoy, also said any information collected through the RTI Act should be published so that no one could doubt that the activist himself would use the data for personal gains. (Times of India 27/2/12)

Space department denies information to Nair (1)

Bangalore: The Department of Space (DoS) has declined to provide key documents sought by former Indian Space Research Organisation (ISRO) chairman G Madhavan Nair to know the basis on which the government debarred him and three other retired space scientists in January from holding official posts."Taking shelter under a specific clause of the Right to Information (RTI) Act, the DoS withheld vital information on the reports of the two committees that probed the Antrix-Devas deal and resulted in action against me and three other colleagues," a disappointed Nair said. A week after the government blacklisted the four noted scientists, Nair filed an application under the RTI Act, 2005 with the DoS and ISRO, seeking details of the high level team that recommended action against him and three other technocrats. "Though it is mandatory under the RTI Act to furnish documents I have asked for within 30 days of my application, I received a reply from DoS' RTI officer Tuesday repeating all that is already in the public domain but not the specific information, including documents and notings pertaining to the recommendation for action against us," Nair asserted. The three other blacklisted scientists are former scientific secretary A Bhaskarnarayana, ISRO's former satellite centre director KN Shankara and former Antrix Corporation executive director KR Sridharamurthi. Expressing inability to share the specific information, the official wrote to Nair that as per the rule 8(1)(H) of the RTI Act, he could not furnish the relevant documents as they pertain to investigation and prosecution of the offenders. "It is unfortunate that I have been denied my legitimate right to know what offence I had committed for such an action. Instead of responding to my specific queries on the probe reports and reasons for annulling the Devas contract, I have been given the terms of reference under which the two committees investigated the deal and that their reports were on the official websites for reference," Nair pointed out. Without naming the DoS secretary (K. Radhakrishnan), who is also chairman of the state-run ISRO and secretary of the Space Commission, Nair said under the guise of a particular clause and section, the department was

making mockery of the RTI Act as its response showed someone was hiding facts, which would otherwise expose him. "The DoS has refused to divulge information on the issues pertaining to the Devas agreement, approval cycles and correspondence that took place among the concerned. It's an act of cowardice on the part of the department to suppress facts and deny justice to a former official who also held the same post and worked in the organisation for over four decades," Nair observed. Asked on his next move to seek justice, Nair said he would consult legal experts before approaching the chief information commissioner for evidence, including specific documents, file notings and names of those who took arbitrary decisions to cancel the Devas deal and accuse them of wrong doing. "Though I have better things to do, I will spare time to take the matter to logical conclusion as we have been held guilty without being heard to defend or explain our role in the spectrum deal," Nair added. The 68-year rocket scientist is away at Thiruvananthapuram in Kerala till Sunday and plans to take up the legal battle on return to the city on Monday. (Hindustan Times 1/3/12)

'RTI more powerful than Lokpal' (1)

THALASSERY, March 4, 2012: The Right to Information (RTI) Act, in effect, delivers more right to the citizens of the country than what even the Lokpal would, observed T. Asaf Ali, Director-General of Prosecution. Speaking at a seminar, organised by the Department of Information and Public Relations and the RTI Kerala Federation on Saturday, Mr. Ali said the Act rendered it possible for the people to participate in administration. It turned ordinary citizens into masters and hence it was important to undertake queries of national interest than those of personal concern, he added. While referring to the extent of information received under the Act, he said unlike any other country, the Act had a strong and sweeping influence in India, delivering 95 per cent of the information through RTI. It was based on such strong tenets that efforts to amend it had failed twice due to the interference of civil societies. Private institutions with government protective umbrella also came under its ambit, he reminded. Lack of awareness Mr. Ali said it was regrettable that a State like Kerala with near 100 per cent literacy was unable to successfully execute it. This can be attributed to the lack of awareness among the people, making it the greatest challenge faced by the Act. Even after seven years of its existence, proper documentation was not done in many government institutions, including banks and hospitals. This when those excluded from the Act were also answerable to all issues related to corruption and human rights violation. This was the only Act that made the applicant liable to compensation for non-disclosure, Mr. Ali said. He invited the attention of the audience to how in the wake of increasing incidents of violence against RTI appellants, the move by the Ministry of Personnel and Training to bring in an amendment with regard to the cancellation of application in the wake of the appellant's death was strongly opposed. The right to inspection as specified under the Act made it more powerful from the point of view of the common man who, with this right has the power to equip the government itself to face challenges and bring to their notice, the duties and lapses of those in administration,. P.P. Chandran, deputy director, Public Relations Department, presided. (The Hindu 4/3/12)

Missing RTI activist from Delhi traced (1)

New Delhi: A 38-year-old RTI activist who went missing two days ago from Delhi was brought back from Muzaffarnagar in Uttar Pradesh, police said on Saturday. Shiv Kumar Tiwari, who carried out a sting operation on corrupt policemen and whose efforts uncovered 'ghost' employees in the Municipal Corporation of Delhi, allegedly disappeared from east Delhi's Ghazipur on Thursday. "Tiwari revealed during his interrogation that neither he was forced to leave Delhi nor thrashed by anyone in Ghazipur flower market where he had gone Thursday morning. He does not know how he reached Muzaffarnagar," said Deputy Commissioner of Police Prabhakar. Tiwari, who runs a flower shop in Connaught Place, had gone to buy flowers from Ghazipur along with his employee Chandan. Police registered a case after his family gave a complaint. Tiwari made a call to his family members Friday night that he was in Muzaffarnagar. "Tiwari was brought to Delhi Saturday afternoon," he said. After two medical tests on the activist, no physical assault mark was found on his body, he said. (Times of India 4/3/12)

CIC comes to the aid of RTI activists (1)

MADURAI, March 6, 2012: Two recent orders passed by the Central Information Commission (CIC), an appellate body constituted under the Right to Information Act 2005, imposing a cost of Rs. 25,000 on a public information officer and distinguishing between classified and non-classified documents have come as a shot in the arm for RTI activists. S. Sampath, an activist based here, points out that disposing of an

appeal filed by Satyendra Kumar Singh, a resident of Bihar, on February 28, the CIC presided over by Chief Information Commissioner Satyananda Mishra had imposed the maximum cost of Rs. 25,000 on a Central Public Information Officer (CPIO) at the regional office of the Staff Selection Commission (SSC) in Allahabad. The appellant had initially filed an application under RTI to the CPIO seeking a photocopy of his answer sheet relating to examinations conducted in 2007 for recruiting Assistant Sub Inspectors of Police. The CPIO as well as the appellate authority did not respond. Hence, he approached the CIC which directed the appellate authority on October 19 last year to pass a speaking order. Even after that, the appellant did not receive any reply and so he approached the CIC once again. An enquiry was conducted through video conferencing and the CPIO told the CIC that there was a delay of nearly seven months in forwarding the RTI application to the head office of the SSC in New Delhi as the legal assistant in the regional office was on leave for two months. Explaining the delay for the remaining five months, he said that he could not forward the application during that period due to heavy workload. Not in agreement with such an explanation, the CIC said: "This is absolutely no explanation... The CPIO has, thus, rendered himself fully liable for imposition of penalty in terms of the provisions of subsection 1 of Section 20 of the RTI Act." The SSC chairman was directed to deduct the amount from the CPIO's monthly salary in five equal monthly instalments beginning from April this year. In so far as the applicant's plea seeking photocopy of his answer sheet was concerned, the CIC said that it could not be provided as it had been weeded out in terms of the record retention schedule followed by the SSC. The second order passed by the CIC on February 29 relates to an appeal challenging the contention of the CPIO, Cabinet Secretariat, Rashtrapati Bhawan, that office notes relating to formulation of a certain rule made by the Centre for empanelment of officers for posting at the level of Secretary to Government of India and its subsequent relaxation were 'Cabinet papers' exempted from disclosure under the RTI Act. RTI applicant Subhash Chandra Agrawal had sought the office notes in connection with the appointment of P.J. Thomas. Holding that framing of a rule and its subsequent relaxation could not be classified as Cabinet papers, the CIC said: "Cabinet papers refer to only those papers which are placed before the Council of Ministers or any Committee of Ministers constituted for considering any particular proposal." It directed the CPIO to provide photocopies of the relevant file noting and other records relating to framing of the particular rule as well as its subsequent relaxation or amendment to the applicant within ten working days. According to Mr. Sampath, these two orders will help RTI activists across the country in obtaining favourable orders in similar cases from the State Information Commissions and other fora. (The Hindu 6/3/12)

Reorganisation Act's 60:40 norm does not apply to babus: RTI info (1)

Chandigarh: The officers of the states might be in confrontation with those of the AGMUT cadre over the distribution of key departments. But there is no provision for appointment of bureaucrats in 60:40 ratio in the Punjab Reorganisation Act, 1966. Information under the Right to Information Act from the Ministry of Home Affairs states that deputation cases of IAS/ IPS officers are decided after calling a panel of officers from the government concerned and there is no provision in the Act for appointment in a 60:40 ratio. The reply further states that the cadre posts of IAS/ IPS in Chandigarh are posts of the AGMUT cadre. However, certain posts like Home Secretary, Deputy Commissioner, Finance Secretary and have been filled by taking officers on deputation from Punjab and Haryana. This is as per the IAS/ IPS (Cadre) Rules. In the ongoing confrontation between the officers of the states and AGMUT cadre, the plea being taken by the officers from Punjab and Haryana is that the distribution of posts should be in the ratio of 60:40, ie 60 per cent of the posts be filled by officers from Punjab and 40 per cent by those from Haryana.

Under the Punjab Reorganisation Act, government buildings like the Assembly and Secretariat are divided between Punjab and Haryana in the ratio 60:40. While the Act states that in a number of areas the 60:40 ratio is to be followed, there are no specific provisions for bureaucrats. A former bureaucrat said that there is no provision in the Act that officers would be appointed in a 60:40 ratio. Over the years it has become a convention. However, with the number of departments with officers being high, there is a need for additional officers. (Indian Express 7/3/12)

Vigilance department rejects RTI query (1)

HYDERABAD: An RTI query seeking information pertaining to the functioning of the State Vigilance Commission was turned down, that too almost a month after filing the application. The RTI query, filed on January 31, had asked "details of the sanctions sought from the department relating to prosecution or investigation of corrupt officials from the year 2007 to 2011." The commission sent a reply on February 28

stating that the information sought was "vague and not specific". A similar query to Central Vigilance Commission received a response within a few days, which was posted on its website. Officials of the state vigilance commission justified their reply to the RTI query and blamed the usage of word "sanction" for denying a response. "We only recommend and do not have the authority to initiate any action. It would be better if the applicant approaches the government department concerned which initiates action, they would be in a better position to reply to it," a senior official of the vigilance commission said. He added, "We also do not maintain records for long duration and hence, it would not be easy to share information related to past cases." (Times of India 9/3/12)

RTI awareness among rural population from Mar 12 (1)

Thiruvananthapuram, Mar 9 : About 200 special programmes on RTI will be organised in select districts of Karnataka and Kerala from March 12 to 20. The programme would be organised by Song and Drama Division, Bangalore, Government of India, in coordination with Department of Personnel and Training, New Delhi, and Kerala Information Commission. The objective of the workshop is to orient the selected troupes to communicate to the rural audience on RTI. Speaking at such a workshop here, PIB Joint Director (M and C) Pallavi Chinya said the cultural troupe should motivate rural people to make use of RTI by giving examples of RTI success stories. RTI is a powerful tool to get information. The RTI empower the citizens, promote transparency and accountability in the working of the government, she said. By utilising various folk and traditional forms available in different part of the country, the Song and Drama Division has provided an important tool for communication at the grassroot, she added. (UNI) (New Kerala 10/3/12)

RTI activists to stage dharna on March 13 (1)

THIRUVANANTHAPURAM: Various Right to Information (RTI) activists and organisations will stage a dharna in front of the State Information Commission on March 13. The dharna will be inaugurated by social activist K Venu. RTI activists in a press meet announced that the dharna would be organised against the anti-people stand being pursued by the State Information Commission. Speaking on the occasion, P Sharafudeen of Right to Information Act Protection committee said that the negative stand maintained by the Information commissioner has led to the public being denied justice. The RTI Act was formulated to curb corruption and to give justice to the common man. The Information Commission has the responsibility to ensure this. "But the transparency required during the proceedings and hearing has been absent," he said. He also criticised that though 90 out of total 100 complaints registered with the Information Commissioner against denial of information were proved genuine, no actions were initiated against them. Several bureaucrats who had compromised with corruption have become commissioners. Most of the postings are made on the basis of political connections. This procedure should be quashed and the posting should be made transparent. "Some bureaucrats who have worked under the Official Secrets Act have become commissioners, and are now trying to gag dissemination of information, he alleged. (NIE 11/3/12)

'Getting information under RTI will be as easy as getting coffee' (1)

PANAJI: While assuring captains of industry of transparent procedures in the government, chief minister Manohar Parrikar spoke of government coming up with what he called "information dispensers" making information available under Right to Information (RTI) Act easier. Addressing the Confederation of Indian Industry (CII) Goa council's annual day in Panaji on Monday, the chief minister promised good industrial climate, redressal of pending issues and a professional touch in running the administration. He also spoke of plans to make Goa plastic free. Parrikar said there will be transparency in decision-making and went on to say that he would make availability of information under RTI Act easier. "It is difficult sometimes to get information we want under RTI act in the present set up. I have personally seen it. So, I am planning to make it easier for people to get information. Just as you have coffee dispensers, we can think of information dispensers," he said, pointing out the idea is to have a more efficient system, something like single window system, in furnishing information to the citizens. Requesting for conducive climate for industries in Goa, CII Goa chief Ralph de Sousa called for efforts to set up a tourism promotion board, IT industries etc. He also offered CII expertise in improving quality education, and said CII was ever ready to assist the government in its effort to improve industrial climate in the state. Responding to de Sousa's speech, the chief minister said that his government would be more responsive to the needs of the industry and try to provide 24x7 water supply and give quality power supply and put in

place a transparent system for allotting land for industries. The chief minister also said that he will soon put a professional system in place in the economic development corporation and Goa industrial development corporation and consider setting up a tourism promotion board. The industry should also help the government to get professionals who have no vested interest in running the affairs of the two corporations which are linked to the industry, he said. (Times of India 13/3/12)

Information Commission to consider activists' demands (1)

THIRUVANANTHAPURAM, March 14, 2012: The State Information Commission agreed to consider some of the demands of the RTI Kerala Federation and other organisations that staged a dharna before the commission here on Tuesday. In talks with leaders of the organisations, Chief Information Commissioner Siby Mathews said the commission would consider their representation against delegation of its powers regarding disposal of petitions to officials. The commission had been returning complaints recently, on grounds that first appeals had not been filed before the appellate authority in the department concerned, in view of a Supreme Court judgment that commissioners could direct furnishing of information only against second appeals. The commission will examine whether complaints could still be considered for penal action. Representatives of the federation, RTI Protection Forum, Fifth Estate, and Anti-corruption People's Movement proposed that the commission should hold adalats to clear the backlog of 4,740 complaints and appeal petitions. They offered that service of retired government officials could be made available on voluntary basis for clearance of the backlog. They also called for transparency in the hearing of the commission which should be open to the public and the media. RTI activist D.B. Binu told The Hindu that the State commissioners were not even disposing two cases a day though the national commission had set a norm that each of its commissioners should dispose about 3,200 cases a year. Some cases were pending for more than three years. Mr. Binu said the lenient attitude of the commissioners were responsible for the piling up of complaints and petitions. If the commission took strong action such as issue of bailable warrants against officials failing to appear for the hearing, the cases and pendency would have naturally come down. (The Hindu 14/3/12)

Give precise replies to RTI queries: Collector (1)

Tirupur, March 16, 2012: Collector M. Mathivanan has instructed the government officials concerned to give precise replies to the queries sought by public through Right To Information (RTI) Act within the stipulated period so as to uphold the transparency envisaged by the Act. He told this while inaugurating the two-day workshop sponsored by Department of Personnel and Training, Government of India, and conducted by Anna Institute of Management, Chennai, for government officials at Collectorate here, on Thursday. Delivering special address, V. Vidhya Sagar, programme director, Anna Institute of Management, explained the areas of governance coming under the purview of the RTI Act. "An applicant making a request for information should not be asked to give any reason for seeking the data or any of his personal details except those that might be necessary to contact him," he said. Deputy Collector M.S. Kalaivani and officials from various departments attended. (The Hindu 16/3/12)

RTI applicants in Dang 'threatened' (1)

SURAT: They had waited for six years to know the status of their dues from forest department. Brothers Pandurang and Narayan Gaekwad, tribals from Dang district, had expected a favourable reply to their application filed under Right to Information (RTI) Act. However, what they received on Friday was a threat from an official for seeking to know by when will they receive their money for the 12 teak trees worth Rs 4 lakh auctioned by the forest department about 10 years ago. Elder brother Pandurang's (58) eyes turned wet when Narayan informed him that there was no hope of getting information or their money. "The officer told me that he will make it difficult for us to get the money. He threatened me because I had refused to sign the settlement form filled up by him," claimed Narayan, (55). On hearing this, Pandurang started to walk towards the bus depot to return home. The brothers had come to a specially organized event by Gujarat Information Commission to settle RTI appeals for the period between 2006 and 2010. The event was organized at Veer Narmad South Gujarat University (VNSGU) here for the applicants from south Gujarat. At the event, the applicants and officials of departments concerned were asked to discuss the issue in person. "We are forced to live on labour work since we have not received the money for our teak trees. They can at least give us the reply," said Pandurang, who heads a family of 35. The brothers had come to Surat in a bus and had no money even to buy lunch. Assistant conservator of forest, Dang, S S Patel, who had allegedly threatened Narayan, said, "There is a criminal case against the Gaekwads.

Hence, they have not been paid the money." Patel was unable to say why the forest department had not replied to the Gaekwads for the past six years. The Gaekwad family possesses land at Isdar village of Ahwa taluka in Dang. They had applied to cut and sell 12 teak trees in 2001. Forest department on September 9, 2001, carried out the required examination and the trees were cut on March 17, 2003, and sent for auction. Forest officials permit cutting and selling of the trees on being requested by tribal owners. "We are waiting for the payment of Rs 4 lakh for our trees and had even filed a RTI application in 2006," Narayan said. "No official can threaten any applicant. The event had been organized to clear old cases by bringing both the parties on a table. We will look into Gaekwad brothers' issue," chief information commissioner, Gujarat, D Rajagopalan said. (Times of India 18/3/12)

Modern-day Jhansi uses RTI to fight for justice (1)

CHENNAI: But for her resolve to use the RTI as a tool to seek justice, T Jhansi Lakshmi would have been just another ordinary housewife. Her relentless fight for nearly five years to expose an alleged recruitment fraud in the staff selection commission has given her the tag of a fighter. Lakshmi is determined to get a CBI inquiry ordered in the matter. All for her husband's cause, a data entry operator in the SSC, who has been denied promotion for about 20 years. It all started in May, 2007 when Lakshmi first sent an application to the public information officer (PIO) at SSC, New Delhi, asking for details of the 1989-1990 batch key punch/data entry operators' selection process. She asked for a copy of the advertisement published in the November-December 1989 issue of the Employment News, inviting applications for the post. The PIO replied within two weeks stating that the information could not be provided as they were more than 15 years old. All files relating to the selection process had been weeded out after a 10-year retention period, the PIO said. After Lakshmi filed two appeals, in September, 2007, the PIO, on his own, provided partial information on the 1989-90 batch selection. In January, 2009, the first appellate authority provided Lakshmi with a copy of the selection list of the 1989-90 exam. The selection list did not match with the SSC's departmental seniority list as two names on the seniority list were not found on the selection list provided by the first appellate authority. Further, those two people had joined the SSC in March 1989 itself, almost a year before the written exam itself was conducted. Lakshmi's contention is that her husband's promotion was getting delayed because two ineligible people, who had not even written the test, are above him on the seniority list. The CIC ordered on February 11, 2009 that the first appellate authority dispose of Lakshmi's application within 15 days. Since then, Lakshmi has been sending repeated letters to the CIC and the chairman of the SSC, but there is no response. Finally, she has sent a representation to the Central Vigilance Commissioner and is hoping some action will be forthcoming. (Times of India 19/3/12)

State Information Commission to help harassed RTI activists (1)

PATNA: To make the RTI Act more effective and meaningful, the State Information Commission (SIC) has come out with a mechanism to help the activists being harassed and tortured for seeking information and take action against their tormentors. Working at the suggestion of CM Nitish Kumar, the SIC has decided to create a monitoring cell and deploy officials in its office and provide a helpline number for filing their complaints which will be personally looked into by the chief information commissioner. This apart, the SIC has tightened its grip around the officials who are in habit of denying information. Some powerful bureaucrats, including a principal secretary and a DM and grassroot-level official like panchayat secretary, finally fell into the RTI net recently for withholding information with malafide intention and harassing the information seeker, Umadhar Singh, an ageing revolutionary of yesteryears and former MLA. Recently, state information commissioner Farzand Ahmed had asked both the principal secretary, land and revenue, C Ashok Vardhan and public information officer (PIO)-cum-Darbhanga DM R Laxmanan to provide information to the petitioner within 15 days or face penalty as well as pay compensation. On the same day, Darbhanga district agriculture officer Ramvilas Mishra was fined Rs 25,000 and was also ordered to pay Rs 50,000 as compensation to Singh. The panchayat secretary of Meethsari under Bhagwanpur block in Begusarai district was produced in the court of Ahmed under police custody for denying information and evading appearance. This was the first case in the state in which an official was taken into custody under proviso of the Civil Procedure Code and produced. The BDO, who headed the police force that produced the PIO under custody, also informed the court that following the order, the PIO has been suspended by the DM. Ahmed refused to discuss his orders, but said, "The RTI law is like a diamond-blade that cuts through the heart of the marble-hearted bureaucrats. No public authority is above this Act." All these cases that dated back to 2008-09 revolved round alleged huge

smuggling of subsidized fertilizers meant for the kisans to the neighbouring country, loot of land allotted to Mahadalit families, by influential landlords and status of the implementation of development schemes. Singh, one of the founders of the Naxalite movement, told the court it was surprising that bureaucrats who are considered powerful have become so powerless that they could not dare raise their heads before the land grabbers. "How can they ensure transparency and accountability," he quipped. (Times of India 21/3/12)

RTI activist murder : CBI may seek MLA's voice test (1)

BHOPAL: After the arrest of five persons, including two women, in RTI activist Shehla Masood murder case, Central Bureau of Investigation (CBI) sleuths are now concentrating on BJP MLA Dhruv Narayan Singh drawing up plans to collect his voice sample and to subject him for a second polygraph, sources privy to investigations said. The CBI plan to take the MLA's voice sample, has come after Saqib Ali alias Danger - an accused in Shehla killing-reportedly told the investigators that he rang up Singh and informed him about the murder, minutes after the activist was shot dead. Danger, a local history sheeter with help of his cousin Tabish Khan from Kanpur in Uttar Pradesh, hired sharp shooters Irfan and Shanu Olanga of that place at the instance of interior designer Zaheda Pervez, the alleged key conspirator in the case, to bump off the activist on August 16 last year. Zaheda, too intimate to Singh, was extremely zealous of Shehla, who also had proximity with the legislator, investigators said. Danger is understood to have told the CBI that he had a talk with Singh for more than three minutes. He reportedly revealed to the investigators about what the BJP MLA had told him during mobile phone talk. The country's premier investigation agency will ask Singh to repeat the exact statements in the midst of a witness he spoke to the history-sheeter, after Shehla was shot dead, sources privy to the investigations said. For sure, he is not going to say no to the voice recording or the second polygraph test given that he is a politician and knows its ramifications, a CBI official said. "If he says no to it, it could create an impression that he wants to skip it to conceal some fact," he added. Singh is in the midst of a storm after the CBI took over the investigations into Shehla killing from the state police last year. He had been quizzed thrice by the CBI and had already undergone a polygraph test some time back in Delhi. However, he turned out to be a hard nut to crack during interrogations, sources said. The key conspirator in the case Zaheda, her acquaintances Saba Faruqui, Danger and sharpshooter, Irfan and Tabish Khan had been arrested. Shanu has been killed in a gang-war unrelated to Shehla murder case in Kanpur in November last. Zaheda, Saba and Danger were in judicial custody while the two other accused were in CBI remand. Now it appears, the CBI is closing in on the MLA. "I have not been contacted by the CBI to come down to its office yet for the voice recording or second polygraph test, Singh told TOI on Friday evening, refusing to say anything further. (Times of India 24/3/12)

Activist fears for life, seeks protection (1)

Vaishali-based Right To Information (RTI) activist Devendra Rai, who has exposed several irregularities in the implementation of various government welfare schemes in the district, is tired of running from pillar to post seeking security cover. In the past two years, he has shot off letters to the station house officer of Cheh-rakala police station, the chief minister, the Prime Minister and the President. But all that the RTI activist has got till date is assurances from officials, and nothing else. Though Rai is originally from Chehrakala in Vaishali district, he left the village fearing attacks and is, at present, staying in Hajipur in a rented accommodation. "Every time I meet the officials, they pledge to look into the matter. But nothing happens in reality. This is going on since 2010 despite the fact that I am receiving threats on my cellphone. It appears that they (officials) will wake up only when I am killed," Rai told The Telegraph. He said his application for an arms license was gathering dust in the office of the Vaishali superintendent of police (SP) for about two years. "There is a fixed rate of bribe to get work done at government offices. I was asked to pay nazrana (gift) for character verification report, which is required to get an arms license," he added. Rai's campaign had some sort of success when the SP, Upendra Prasad Sinha, directed all station house officers in October 2011 to issue receipts of every application submitted by the applicants. "But the reality is no receipt is given to the applicants," he said. Despite repeated attempts, Sinha could not be contacted for comment. The 43-year-old rights activist said he had invited the wrath of several block and district-level officials for exposing a scam in disbursement of relief against damage of crops during the 2007-08 floods in Vaishali district. "Biswanath Pathak, a resident of Bisunpur Arra village died about 10 years ago but was provided with compensation against damage of crops," he said. Similarly, in the Patepur block of Vaishali, about 4,100 houses were damaged in the 2008-09 floods. "But the

compensation money of Rs 35,000 each had been given to about 5,800 beneficiaries as part of Indira Awas Yojna," he added. "The irregularities in distribution of job cards under the Mahatma Gandhi National Rural Employment Guarantee Act are equally alarming. Information sought under RTI made revealed that the cards of 300-500 beneficiaries don't have mention of their fathers' names. They have been mentioned as A,B,C,D..." Rai said. The activist, who now lives in a two-room rented house at Gandhi Ashram in Hajipur, said he needed security cover as he was receiving threats from various quarters. Director general of police (DGP) Abhayanand said though he could not recall Rai's name, he would look into his cause. "It might be possible that he had spoken to me. It is a serious matter. If he meets me, I will certainly look into his complaint," the DGP said. (Telegraph 26/3/12)

Whistleblower forcibly taken to mental ward in UP (1)

Lucknow: A provincial civil services officer, who on Monday sat on a hunger strike outside the state Assembly here demanding reply to his RTI application seeking details of funds left unused by the Social Welfare Department of Muzaffarnagar district between 2008-09, was forcibly taken away from the protest site by the police. The Lucknow police, who removed Rinku Singh Rahi from the protest site around midnight, tried to get him admitted first to a local hospital and then to the psychiatric ward of a medical college, but doctors at both the places refused to take him in. The PCS officer was then taken to his native place Aligarh. Rahi said he was being targeted for having attempted to expose certain scams. He had survived a murder attempt in Muzaffarnagar in 2009 while working as the Social Welfare Officer. The attack followed an investigation ordered by him into the allocation of funds to the Muzaffarnagar office, which led to the arrest of nine persons, including SP leader Mukesh Chowdhary and department assistant accountant Ashok Kashyap. Rahi claims the reply of the RTI application would uncover the scam in Social Welfare Department of Uttar Pradesh. 9Zee News 27/3/12)

PM urged to reconsider changes in NSRA bill to safeguard RTI Act (1)

NEW DELHI: Terming exemptions to the RTI Act introduced through the proposed Nuclear Safety Regulatory Authority (NSRA) bill as "regressive", information commissioner Shailesh Gandhi and legal luminary Fali Nariman have urged Prime Minister Manmohan Singh to reconsider the amendments in the interest of transparency. Nariman said the amendments were "unnecessary" and against the letter and spirit of the Act. "I am distressed to hear that the government of India proposes amendments to the RTI Act - it is submitted that these amendments are unnecessary in view of the adequate protection for all legitimate interests provided for under section 8 of the RTI Act," he said. The NSRA contains two proposals for amendments. The first amendment seeks to add a new exemption to section 8 of the RTI Act to cover sensitive information relating to nuclear and radiation safety issues and also commercially sensitive information of technology holders. Information commissioner Shailesh Gandhi said the existing provisions of Section 8 (1)(a) and Section 8(1)(d) provide adequate protection for the legitimate needs of information that need not be disclosed. The second amendment seeks to insulate unspecified regulatory bodies that will oversee nuclear facilities established for strategic and national defence purposes. Gandhi argued that such agencies when created will automatically be part of Schedule 2 of the RTI Act that includes the agencies exempted from it. He added that the NSRA bill makes disclosure of information about such bodies a punishable offence. "This clause will be used as a shield to prevent disclosure of information relating to even allegations of human rights violation and corruption in such bodies....In effect the NSRA bill seeks to vest enormous discretion in the hands of bodies that to withhold people's access to information. These provisions are a regression in the journey of our Parliament towards a participatory democracy. Whereas nuclear power and energy are important for the nation, transparency and democracy are certainly more important and must not be whittled down," he said. Two members of the parliamentary standing committee have expressed apprehensions, besides reservations from a number of citizens and RTI activists. (Times of India 29/3/12)

Good governance linked with transparency: Guv (1)

Lucknow: Good governance is intrinsically linked with probity and transparency in the functioning of the government, Uttar Pradesh Governor B L Joshi said on Saturday. "There is a need that every government functionary maintains professional competence, honesty and integrity...We need well defined ways and means to check those who vitiate the very culture of integrity and honesty," Joshi said. The Governor was addressing a symposium 'CBI and Good Governance: Challenges and Prospects' organised here to mark the CBI Day. "A clean and transparent government needs an effective and professional anti-corruption organisation," he said. "The intense debates on the Lokpal issue show that there is visible turmoil in the society. No right thinking man wants taxpayers' money to be misappropriated," he said. Speaking on the occasion, Justice Pradeep Kant, said, "Public has a great expectations from the CBI. It should be a force with full independence." Former CBI director Trinath Mishra stressed on good governance and efficient

vigilance body. "Development needs corruption-free environment. Lokayukta system and RTI are of great help in good governance," he said. (Zee News 1/4/12)

Politicians eyeing post of Information Commissioner (1)

KOCHI, April 2, 2012: Moves are on by certain politicians to be considered for a vacancy of Information Commissioner in the Kerala State Information Commission, it is learnt. This follows the retirement last week of K. Rajagopal, who had served the commission since July 2008. At present, apart from State Chief Information Commissioner Siby Mathews, there are three State Information Commissioners. They are: M.N. Gunavaradhanan, K. Natarajan, and Soni Thengamom. While Mr. Gunavaradhanan is a former IAS officer and Mr. Natarajan, a former IPS officer, Mr. Thengamom is a former politician. The Right to Information Act bans politicians from being considered for the posts of Chief Information Commissioner and Information Commissioners at the Centre and in the States. However, the previous LDF government set a precedent by appointing a politician, Mr. Thengamom, to the commission—though he had resigned all his Communist Party of India party positions before being appointed. The RTI activists in the State had objected to the appointment as they said it was a violation of the Act and that the Information Commission too was being turned into a hunting ground of politicians. The Kerala High Court was moved against the appointment. Now, taking a leaf out of the LDF precedent, Congress politicians, including a former District Congress Committee president, are angling for the post. The Chief Information Commissioner (CIC) and Information Commissioners are selected by a panel consisting of the Chief Minister, the Leader of the Opposition, and a Cabinet Minister nominated by the Chief Minister. However, Kerala has no laid-down procedures and criteria for the appointments. The positions are not advertised as is done in the case of the Central Information Commission. Recently when the Union government decided to raise the number of CIC to 10, it put out an open advertisement calling all eligible people to apply. The RTI Act says that the 'Information Commissioner 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 government.' The Commissioner should not be an MP or MLA or 'connected with any political party or carrying on any business or pursuing any profession.' The Kochi-based Human Rights Defence Forum has in a letter to the Chief Minister, urged him to frame rules of procedures for the selection of information commissioners so that all eligible persons would get opportunities to apply to serve as commissioners. (The Hindu 2/4/12)

150 words too few, changes could hurt entire process' (1)

Those applying for information under the Right to Information (RTI) Act in the state will henceforth have to limit their queries to 150 words, as per an amendment in the Act by the state government in January. Also, as per the amendment, the questions can pertain to only one subject per application. Activists across the city, who were unaware of the change till a few days ago, expressed their unhappiness at the government taking the decision without any discussion with the stakeholders. This notification has been brought out by the state government's general administration department. However, the activists allege the decision was taken in an undemocratic way, without inviting suggestions from citizens. As per the notification by secretary to the government, Nandkumar Jantre, "A request in writing for information under Section 6 of the Act shall relate to one subject matter and it shall not ordinarily exceed 150 words. If an applicant wishes to seek information on more than one subject matter, he shall make separate applications." Activist Vivek Velankar of Sajag Nagrik Manch said, "Fixing a word limit for RTI applications will hamper the entire process. The step was taken probably because there were complaints about applications reading like essays. However, 150 words is too less. Also, the government took the decision without consulting the public." Shivaji Raut, a Satara-based activist, said making such changes would defeat the purpose of the Act. "An amendment like this from a government which calls itself progressive is surprising. None of us knew about these changes. There is a need for the government to take into consideration the views and suggestions of citizens. If they had to limit the words, they could have kept it at a more agreeable number, such as 500. We plan to protest against this amendment." (Indian Express 2/4/12)

RTI that is failing rape victims: Red Tape India (1)

AHMEDABAD: Not many know this but in early February this year a sessions court in Ahmedabad had ordered the state government to take care of the welfare of a minor rape victim and even compensate her under the provision of the scheme of Criminal Injuries Relief and Rehabilitation Board for rape victims. Additional sessions judge Jyotsnaben Yagnik issued these directions to the state women's commission, additional principal secretary of social welfare department and the government to compensate the rape victim, who is just six-and-a-half-year-old girl in this case. The victim could have been eligible for a

compensation of Rs 2 lakh, under the financial assistance to the victims of rape - a scheme for restorative justice (FAVRRJ) had the state government formed the board in time in every district. Instead the court could only order a compensation of Rs 10,000. Additional public prosecutor M G Kapadia said that in this case the court convicted a 22-year-old accused Govindbhai Devipujak for raping the minor on January 14, last year, in Isanpur area of the city. The youth was given life imprisonment and fined with Rs 11,000. The court also directed the registry to pay Rs 10,000 from the amount received from the convict to the victim towards compensation. But the victim could have been eligible for a compensation of Rs 2 lakh. While punishing the rape accused, the court observed that courts cannot overlook the effects on the rape victims in times when violence against women and particularly incidents of sexual assault against minor girls are alarmingly on the increase. The court direction has come within a month of the state government's notification with regard to the formation of such boards at the state and district level on directions issued by the Supreme Court to extend support to rape victims. "Rape victims deserve the maximum compassion from any state government. If the Rs 2.57 crore grant meant for rape victims has lapsed, it means that there is complete lack of positive action for women. The government should work upon improving such anti-women policies", says founder-director, Ahmedabad Women's Action Group (AWAG) Ila Pathak. (Times of India 5/4/12)

RTI activists demand panel to monitor disclosure of info (1)

Mumbai: Around nine city-based RTI activists on Thursday met Chief Minister Prithviraj Chavan and demanded a slew of measures to improve the functioning of the RTI Act. Headed by former police commissioner Julio Rebeiro, the delegation included Public Concern for Governance Trust trustee Narayan Varma, Bhaskar Prabhu, Krishnaraj Rao, Chetan Kothari, and Anil Galgali among other activists. Stating that the meeting with the chief minister was necessitated by the recent amendments in the RTI rules by the state, Varma said, "We have asked them to withdraw the amendments as they are not poor-friendly." The amendments include application on single subject matter limited by 150 word-count. Further, the activists have demanded the formation of a panel of civil society members along with senior bureaucrats to monitor the Section 4 of the RTI Act. "The CM was very positive about it," added Varma. Section 4 talks about the voluntary disclosure of information by the government. Other demands include appointment of information commissioners for processing of the over 22,000 second appeals lying with the information commission currently. However, the CM has said the appointment of commissioners is a problem due to lack of good contenders for the most and shortage of IAS officers, added Varma. When contacted, Vinayak Nikam, an officer at Varsha said Chavan was busy in a meeting and would get back. (dna 6/4/12)

MU stalling 2011 delayed paper probe: RTI activist (1)

Mumbai: Mumbai University (MU) may be in revamp mode after its numerous fiascos, but does the present situation bode well for the varsity? SK Nangia, an RTI activist, had sought to know what enquiry was being conducted following a complaint he had filed regarding the delay of a political science paper given to examinees at the Government Law College (GLC) in 2011. On May 18, 2011, this exam, given to 250 students at the Government Law College (GLC), was delayed due to the question papers not reaching the examination centre on time. GLC and the controller of examinations (COE) then blamed each other, but it was an RTI activist who pursued the matter. The intention was to pin down the origin of the problem, in the hope that some corrective measures would follow and students would not have to undergo avoidable inconvenience, stress and anxiety. Nangia first sent a letter to GLC to seek proof that the college's claims were true. The college replied promptly that the university had been informed about the students in March itself. Nangia then sent a complaint to the registrar. After eight months and no response, he filed an RTI application to know the status of the plaint, the total complaints received by the university, the name of the officer conducting the enquiry, and the enquiry report, among other details. "The RTI was filed with a view to save children from delinquent officers," said Nangia. What surprised Nangia was that, in absolute contravention of the RTI Act, the assistant PIO (public information officer) sent a reply instead of the PIO. The reply, dated February 13, 2012, stated that there was no enquiry in the case and that the university did not even receive a complaint. It even justified not conducting an enquiry. "Matters that need to be investigated have been stonewalled by the authorities," alleged Nangia. When contacted, Rajan Welukar, vice chancellor of the Mumbai University said, "I cannot speak to you offhand as I do not get data at home. Why don't you talk to the registrar directly?" Kumar Bhagwan Khaire, registrar of MU, said, "I have not gone through the papers, but will look at them. I have just taken up the post, so do not know much about it. You can check with me later." (DNA 9/4/12)

'Ayodhya information can be made public' (1)

LUCKNOW: The Central Information Commission (CIC) says there is nothing wrong in bringing information on Ayodhya in the public domain, through RTI. But ASI is not willing to part with the information. The commission on February 29 had directed the Archaeological Survey of India (ASI) to provide records related to excavation made at the disputed site in Ayodhya under the Right to Information (RTI). The commission observed that there might be nothing wrong in providing the relevant information and asked the ASI to provide the information to the RTI applicant within 10 days of receiving the order from the CIC. However, the ASI so far has not acted on the order and the applicant has registered a complaint with the commission. The applicant, Subhash Chandra Agrawal, had sought complete and detailed information in October 2010 regarding the excavation findings of ASI at the disputed site of Ram Janmabhoomi/Babri Masjid in Ayodhya. He had sought copies of records relating to excavation made by ASI at a particular site. It was on September 30, 2010, that the Allahabad High Court had delivered its order regarding the disputed site. The commission had observed that people have the right to know information on Ayodhya. While, the central public information officer (CPIO), ASI, had provided some information, he had refused to disclose a copy of the report which the ASI had submitted to the high court in this regard on the ground that it was meant exclusively for the high court. And it's exactly on this count that Satyanand Mishra, chief information commissioner (CIC), New Delhi, had asked ASI to come clear. The CIC observed, "If there is any such directive given by the high court that the copy of the report should not be disclosed to anyone else, a copy of that directive should be provided to the applicant." The CIC further added, "We think that this is a very fair request and the CPIO should provide a copy of the relevant extract from the order of the high court in which the ASI had been instructed to present the report only to the high court and not to disclose it to anyone else. In case there is no such express direction from the high court, the copy of the said report should be provided to the applicant." This directive has paved the way for people to know what ASI found at the disputed site. (Times of India 9/4/12)

Reports of all panels should be made public, rules CIC (1)

NEW DELHI, April 11, 2012: In a significant ruling, the Central Information Commission (CIC) has said reports of all expert committees and commissions, constituted by the government, should be made public to ensure greater transparency in decision-making. Allowing a petition seeking a copy of a report of the Western Ghats Ecology Expert Panel (WGEEP), the Commission has rejected the contention of the Public Information Officer (PIO) that the disclosure would adversely affect the economic interests of the nation. (It issued the directive while hearing the plea of G. Krishnan of Kerala, who sought copies of the summary of the report of the WGEEP, under the chairmanship of Professor Madhav Gadgil, on the Athirappally hydro-electric project in Kerala, reports PTI). Set up in 2010 by the Union Ministry of Environment and Forests, the WGEEP was mandated to assess the ecological status of the Western Ghats region; demarcate areas required to be notified as ecologically sensitive; and make recommendations for conservation, protection and rejuvenation of the region. The Commission said Sections 8 and 9 of the Right to Information Act (RTI) only exempted disclosure of information that undermined the country's sovereignty and integrity, security or strategic interests. And it did not agree with the PIO's contention that the disclosure of the report would impact on the "scientific or economic interests of the State." Under Section 4 of the Act, it was mandatory to disclose all reports of panels, experts, committees and commissions set up by the government with public funds. If parts of such a report were exempted as per the Act, this should be stated, and such portions could be severed after stating the reasons. "If the entire report relates to the security or strategic interest of India, this should be stated. Such a practice would be in accordance with the provisions of Section 4 of the RTI Act and would result in greater trust in the government and its actions." It said there was no provision in the Act that exempted disclosure of a report that had not been finalised or accepted by a public authority. The Commission said Section 4 was a statutory direction to all public authorities "to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have [a] minimum resort to the use of this Act to obtain information." "The government sets up such panels, committees, commissions or groups and selects members whose expertise and wisdom is recognised by it. Significant amounts of public funds are deployed for this purpose in order to address the nation's concerns. Therefore, it is imperative for citizens to know about such reports," it said. If such reports were put in the public domain, the Commission said, citizens' views and concerns could be articulated scientifically and reasonably; and in case, the government had reasons to ignore the reports, these should be put before the people logically. Otherwise, citizens would believe that the government's decisions were arbitrary or corrupt. (The Hindu 11/4/12)

Central Information Commission fines self for delay in giving info (1)

NEW DELHI: In a first of its kind, the Central Information Commission (CIC) has fined itself asking the

public information officer (PIO) to give compensation amounting to Rs 3,000 to an applicant for delay in providing information. It has also issued a notice to the former PIO asking for an explanation on the delay. Information commissioner Shailesh Gandhi said, "Harassment of a common man by public authorities is socially abhorring and legally impermissible. It may harm him personally but the injury to society is far more grievous." Allahabad resident M Haroon Siddiqui had sought information regarding three "conflicting orders" on IFFCO. Siddiqui had also sought IFFCO's responses on the orders that the PIO refused to give citing exemption under Section 11 of the RTI Act. Dismissing the argument, Gandhi allowed the appeal reasoning that Section 11 did not give a third party an "unrestrained veto" to refuse disclosing information. "In this case the PIO has not even sought the views of the third party within 5 days of receipt of the RTI and has wrongly claimed exemption," he said. Gandhi has recommended the CIC secretary consider recovering the amount from the salary of the person responsible for the delay in providing the information. (Times of India 14/4/12)

Police RTI data reveals that refusals by drivers are high (1)

Cases of refusals registered against auto drivers went up by 176% in the last three years, according to data obtained from Mumbai's traffic police under the Right to Information (RTI) Act. RTI activist Chetan Kothari, who procured the data on both auto and taxi drivers, said police action seemed to have had no effect on them. "The statistics show that refusals have continued; more auto drivers were booked in 2010 and 2011, as compared to 2009." Traffic police sources said the department had launched special drives in 2010 and 2011, which is why more offenders were booked and their permits suspended. The data revealed that as opposed to 5,710 auto drivers being booked for refusals in 2009, 15,789 drivers were booked in 2011 and 14,462 in 2010. When it came to taxi drivers, while 4,833 were booked for refusals in 2009, the number of offenders was 6,232 in 2011 and 7,192 in 2010. As far as overcharging is concerned, 196 auto drivers were booked in 2009, 221 in 2010 and 108 in 2011. The corresponding figures for taxi drivers are 150, 102 and 36. Preeti Sharma Menon of India Against Corruption (IAC) said, "In comparison to the traffic police's action, the RTO conducted a major campaign towards the end of 2011. IAC initiated an SMS drive against errant drivers for rude behaviour, refusal, meter-tampering and overcharging." The drive showed 5,237 cases of refusals, 3,024 of meter-tampering and 1,157 of overcharging. (Times of India 16/4/12)

RTI activist's murder: CBI searches house of witness (1)

A team of Central Bureau of Investigation (CBI) conducted searches at the house of an eyewitness in the murder of RTI activist Satish Shetty. The team conducted searches the house of Vandana Murhe in Talegaon Dabhade and seized some documents on Monday. Shetty was murdered near a newspaper stall operated by Murhe on January 13, 2010. "Our teams spoke to Murhe and seized some documents from her residence today for investigations," said CBI additional superintendent S P Singh. The murder was earlier investigated by the Pune rural police, which had arrested six persons in the case, including advocate Vijay Dabhade who was later released on bail. Shetty's family claimed that advocate Dhabhade was not behind his murder and demanded a CBI or CID probe. The investigation was then handed over to the CBI. Last week, a CBI team had seized a laptop and hard disc of a computer from Lonavala police station. Shetty, who had busted scams in the district using RTI, had filed complaints at Lonavala police station against two private companies. CBI is probing whether his murder was linked to any of these complaints. The CBI had also seized a laptop and computers from the office of the local crime branch of Pune rural police for investigation into the case. (Indian Express 18/4/12)

CJI's remark to adversely affect RTI drive: CIC (1)

NEW DELHI: Days after Chief Justice of India S H Kapadia said that irrelevant RTI queries were impeding the working of judges in courts, Central Information Commission said the remarks would have a significant negative impact on RTI. Information commissioner Shailesh Gandhi, in a letter to the CJI, said that his comments could "dampen the RTI journey of India". Gandhi admitted that RTI was being used in a trivial manner in certain cases but he argued that it was also possible to show that progressive laws like dowry act and atrocities act were being used in a "trivial manner or to harass innocent people". He added, "It is also true that most public authorities including information commissions and courts have not fulfilled the promise of Section 4 of the RTI Act consequent to which they are then complaining about increasing RTI requests," he said. Section 4 provides for public authorities to proactively disclose information that could be of public interest. Batting strongly for the RTI Act, the information commissioner said the legislation was beginning to make a small difference in the "power equation between citizens and the government". "Most of us are aware that the average citizen's interactions with government are usually humiliating and annoying for citizens. Most delivery systems are failing badly in terms of delivering

services to citizens. In this scenario RTI is showing hope of bringing correction, and perhaps has a potential of making our nation a true democracy which recognizes sovereignty of the Indian citizen," he added. The letter comes on the back of comments made by CJI in court recently. When a bench of the CJI and Justices D K Jain, S S Nijjar, R P Desai and J S Khehar was deliberating on reporting guidelines of sub-judice matters, Justice Kapadia said, "In RTI matters, since I took over as CJI, I have given answers to all questions except very few things. But the kind of questions and their number is also exceeding the limit." He had given samples of the irrelevant questions that were being put to the judges, taking away their precious time which could have been utilized in studying petitions and case material. "Why did you attend Nani Palkhivala Lecture? What time did you leave? Did you eat lunch or had tea? Which lawyer invited you for the function? We are working hard but we are not being able to concentrate many a times because these kinds of questions," the CJI said. "Are these questions relevant for press? It is all going beyond all limits. The RTI Act is a good law but there has to a limit to it," he added. (Times of India 19/4/12)

CIC defers adopting a citizens' charter (1)

NEW DELHI: Central Information Commission (CIC) may be preaching transparency to public authorities but it has trouble following its own advice. The Commission has put off adopting a citizens' charter for the last six months due to lack of consensus among information commissioners. The citizens' charter drafted by information commissioner Shailesh Gandhi stipulates that all pending appeals and complaints will be displayed on the website along with timelines and processes. The draft suggested that cases be addressed in two months and acknowledgements given to appellants and complainants within 30 days. The compelling argument in setting deadlines for addressing RTI complaints was that unless information is provided within a timeframe, it proves to be irrelevant. There are over 26,500 cases pending before the CIC as of January, 2012, registering a 12% rise since last year. According to estimates, at the current rate of increase CIC would have 80,000 pending cases in 2016 even if it continues its current rate of disposal at 35,000 annually. This could make the Commission redundant. Responding to criticism that the CIC was shirking from its responsibility in tackling the large pendency of cases, chief information commissioner Satyananda Mishra admitted, "There has been no consensus on the issue of introducing a citizens' charter so the Commission has decided to wait till Parliament passes the legislation to see what shadow it will cast on the working of quasi-judicial bodies." Sources said that the issue has been raised in the Commission meeting at least thrice since September, 2011, but put off each time for further discussion. Among the concerns that have been red-flagged include that there is no need for a citizens' charter since no quasi-judicial or judicial body has one. There were also objections to setting time lines. Mishra said that commissioners felt it would be prudent to wait till the law came into force. Commission sources stressed that unless a timeframe was set to tackle the pending cases, the implementation of the Act would be at risk. As a source argued, "As the waiting time at the Commission increases it reduces the pressure on public information officers and reduces the effectiveness of the Act." Sources also argued that judicial commissions like the National Commission for Minorities and Delhi district courts have citizens' charter. (Times of India 20/4/12)

RTI activists expose BDA 'blunders' (1)

Bangalore: The Bangalore Development Authority (BDA) has wasted tax payers' money to construct commercial complexes at community amenity (CA) and vacant sites in the city, without getting permission from the Infrastructure Development Department (IDD), alleged Jayaprakash Vichara Vedike (JVV), a city-based group of RTI activists. Interestingly, the BDA Employees Association filed a series of complaints with chief minister DV Sadananda Gowda, seeking a probe by Criminal Investigation Department (CID) into financial irregularities involving the plan, but remedial action was not taken. The BDA also issued a work order without consulting the IDD and spent crores of rupees on preliminary work and later sent a proposal to the latter for a clearance. The IDD rejected the proposal on October 24, 2011, following which the BDA withdrew the work order. "This reflects gross negligence on the part of the BDA, which resulted in a huge loss of tax payers' money," JVV president BM Shiva Kumar alleged, adding that the BDA's move is to help realtors and politicians. "Instead of expanding Janata Bazar and local markets, which serve the middle class, the government is helping private builders by sanctioning CA sites for the construction of malls," he alleged. Several ruling party MLAs filed representations with the chief minister not to allow malls within the city due to an increase in traffic congestion; but the government is going ahead with the plan to support vested interests, he alleged. The group of RTI activists demanded the state government to withdraw the proposed plan to build malls at Malleswaram, Seshadripuram and KR Puram markets to help local markets and small traders flourish. (DNA 24/4/12)

Cancellation of amendments in Maha RTI Act sought (1)

Mumbai: An RTI activist has demanded that the Maharashtra government should cancel the amendments made in the state RTI Act as it may deter people from seeking information. Athak Seva Sangh chairman Anil Galgali said one of the new rules stipulate that any request for information must not exceed 150 words, which may deter people, especially semi-literate and from underprivileged sections who lack concise drafting skills, to file RTI. Amendments like one application-one subject could give discretionary powers to officials to deny information to the public, he said. Stipulation of a single subject information request mater would give discretionary powers to PIOs to reject applications, result in disputes and delays in getting information, Galgali said. He appealed to anti-graft crusader Anna Hazare to prevail upon the Maharashtra government to cancel the new rules in the state RTI Act. (Zee News 26/4/12)

CIC takes the lead on transparency (1)

NEW DELHI: Commissioners with the Central Information Commission (CIC), which presides over the country's Right To Information Act, have been voluntarily declaring their assets on the CIC website over the last one year to promote transparency. "The general public is curious to know of the financial assets and liabilities of those in public positions. We see no reason not to fulfill this curiosity. I feel that, sooner or later, all public servants must declare their assets," Chief Information Commissioner Satyananad Mishra said. Mishra made it compulsory for all information commissioners to disclose their assets a year ago. Earlier, Shailesh Gandhi disclosed his assets on the CIC website when he was made a central information commissioner in 2008. "While citizens want public servants to disclose their assets, little is done to check whether the assets are commensurate with the person's income. While it's important for public servants to declare their assets, it's equally important for enlightened citizens to go a step further and investigate the link between income and assets," said Mishra. In addition to declaring their assets, three central information commissioners, including Mishra, have put out details on the list of cases pending before them on the CIC website. Mishra said the remaining commissioners would follow suit. "With the list of pending cases displayed on the CIC website, people will know if the commission is taking up their case in a fair manner. If someone's case has not been registered, the person will immediately come to know of it. This practice should be followed by all quasi-judicial bodies and the judiciary itself. If this happens, people will know where their cases stand and whether cases are taken up in a fair manner," said Gandhi. RTI activists believe that the move to disclose assets and the list of pending cases will set a great precedence. "I feel that this will inspire all public servants to disclose their assets and will increase transparency. The public will greatly appreciate the move and will begin to trust the authorities. For if someone freely declares his assets, it means he has nothing to hide," said Mumbai-based RTI activist Milind Mulay. (Times of India 28/4/12)

Right to Information exposes state government lie about Vidhya Sahayak recruitment (1)

AHMEDABAD: The state government has claimed from various platforms that in the past 12 years, a total of 1.5 lakh Vidhya Sahayaks have been recruited, generating employment for youths. However, a Right to Information (RTI) application by an activist revealed that the figure is actually 83,677. Vinod Pandya, a resident of Ambawadi, told TOI that he had heard the claims by the state government about recruitment opportunities and the number of vacancies filled. "It did not seem right on the basis of what we see on the ground. Thus, as the secretary of Gujarat Rajya Talimi Snatak Samiti, I filed an RTI and sought details of vacancies filled since 2001. I recently got the information that revealed that the figures were inflated to show the government in good light as the government records itself showed less than 85,000 recruitments," said Pandya. Pandya added that while students have increased manifold in the past 12 years, there are not enough teachers to teach them. According to sources in the state education department, the system of Vidhya Sahayak started in 1997 as intermediary for the primary teacher post. The recruits were to be kept for five years at a fixed monthly pay of Rs 2,500 after which they would be considered for the teacher's position. So far, 1.38 lakh youths were recruited since inception of the scheme. The Vidhya Sahayaks are fighting battle with the government for regular pay along with police Lok Rakshak and Gram Mitra. (Times of India 1/5/12)

Disclose reports on Kudankulam plant safety: CIC (1)

NEW DELHI: Reports relating to safety, site evaluation and environmental impact assessment of the controversial Kudankulam Nuclear Power Plant should be made public, the Central Information Commission has said. The commission, however, allowed certain portions that have been exempted from disclosure under the RTI Act to be kept secret. The commission also directed Nuclear Power Corporation of India Ltd to publish safety analysis reports, site evaluation reports and environmental impact

assessment reports prepared by the department before setting up any nuclear plant within 30 days of receiving them as part of mandatory disclosure clause of the RTI Act. "There should be a declaration on the website about the parts that have been severed, and the reasons for claiming exemption as per the provisions of the RTI Act," information commissioner Shailesh Gandhi said. The decision was in response to an RTI application filed by S P Udayakumar, who sought copies of safety analysis report, site evaluation report and environment impact assessment report, for Reactor I and II of the plant. Gandhi said disclosure of the reports would provide a comprehensive perspective to citizens about holistic understanding of the Kudankulam project including environment, health and safety concerns. "It would enable citizens to voice their opinions with the information made available in the said report. Such opinions will be based on the credible information provided by an agency appointed by the government. This would facilitate an informed discussion between citizens based on a report prepared with their/public money," he said. The NPCIL had objected to the disclosure, citing exemption clauses section 8(1)(a) of the RTI Act which allow it to withhold information related to security, strategic and scientific interests of the state and section 8 (1)(d) as disclosure could compromise commercial confidence. Gandhi said officials could not explain how disclosure would come under these exemption provisions. Udayakumar argued that such a disclosure would serve larger public interest and cited examples of the US, the UK and Canada where reports of the same nature were classified as public documents in order to ensure public debate. (Times of India 2/5/12)

RTI activist fights back illegal show-cause notice (1)

RAJKOT: No sooner was Bharat Kamaliya elected as member of Saiyad Rajapara village panchayat in Junagadh district, than he was slapped a show-cause notice seeking his suspension from the post. Using Right to Information Act (RTI) to fight the injustice, Kamaliya's queries have revealed Una taluka panchayat officials' the poor knowledge of panchayat laws. Kamaliya, an RTI activist, was elected as a panchayat member in December 2012. He is also pursuing his Masters of Arts (Sociology) as an external student of Saurashtra University. "Taluka panchayat office asked to explain why I should not be suspended as I am also employed with a private firm in Una. I was surprised because I can do a job for my survival as gram panchayat does not give any remuneration to its elected members. Panchayat officials were baffled by the queries and could not provide any answers. Finally, they orally communicated to me that they had wrongly issued the notice and I can continue both the responsibilities," Kamaliya said. There is no provision in panchayat laws that stop an elected member from getting employment in a private firm. It was for the first time in his village that youngsters contested the panchayat elections with an aim to bring about a change in governance of the local body. "I was an RTI activist therefore I could fight out such injustice. However, there may be many others who receive similar treatment," said Kamaliya. Kamaliya said that on one side the government talks about encouraging youth to join politics but on the other, they are discouraged by issuing such illegal notices. (Times of India 5/5/12)

Passport info should be disclosed under RTI: CIC (1)

New Delhi: Information provided by a person while applying for passport can be disclosed under the Right to Information Act, the Central Information Commission (CIC) has held. "Given our dismal record of mis-governance and rampant corruption which collude to deny citizens their essential rights and dignity, it is in the fitness of things that the Citizen's Right to Information is given greater primacy with regard to privacy," Information Commissioner Shailesh Gandhi said while ordering the disclosure. The case relates to an RTI application filed by one Anita Singh who sought copies of documents annexed by one Ajeet Pratap Singh while applying for his passport, besides other details about the application. The External Affairs Ministry stated that third party information cannot be disclosed without taking the views of the party and since the present residential information of the applicant was not known, it would not be possible to take his views and disclose the details sought under the RTI Act. "The Commission rules that if the third party's address is not located it does not mean the citizen's right to information would disappear. Section-11 is a procedural requirement that gives third party an opportunity to voice and objection in releasing the information," he said. Gandhi said the procedure of Section 11 comes into effect if the Public Information Officer (PIO) believes that the information exists and is not exempted, and the third party has treated it as confidential. "Section 11 does not give a third party an unrestrained veto to refuse disclosing information. It clearly anticipates situations where the PIO will not agree with the claim for non-disclosure by a third party and provides for an appeal to be made by the third party against disclosure, which would have been unnecessary, if the third party had been given a veto against disclosure," he said. On the question of invasion of privacy, Gandhi said the state has no right to invade the privacy of an individual. "However, there are some extraordinary situations where the state may be allowed to invade the privacy of a citizen." "In those circumstances special provisions of the law apply -- usually with certain safeguards.

Therefore, where the state routinely obtains information from citizens, this information is in relationship to a public activity and will not be an intrusion on privacy," he said. Gandhi said the Supreme Court has ruled that citizens have a right to know about charges against candidates for elections as well as details of their assets, since they desire to offer themselves for public service. "It is obvious then that those who are public servants can not claim exemption from disclosure of charges against them or details of their assets. In view of this, the Commission does not accept the PIO's contention that information provided by an applicant when applying for passport is exempt under Section 8(1)(j) of the RTI Act," he said. (Zee News 6/5/12)

Indians have no right to info in J&K (1)

New Delhi: Even as successive governments in Jammu and Kashmir have liberally extended security laws like TADA, POTA or Armed Forces Special Powers Act (AFSPA) to the state, they block implementation of central laws like Right to Education (RTE), granting constitutional status to panchayats etc, citing special status granted under the Article 370 of the Indian Constitution. "Are you Indian? Or "Are you from India?" These are the questions asked to anybody from India landing in Kashmir. People apart, now such questions are asked even by the J&K government - ruled jointly by the National Conference (NC) and the Congress - which do not tire from always asserting that J&K is an integral part of India. The state government is not entertaining even rudimentary queries under the Right to Information (RTI) Act, if you are not from the state. Your RTI applications will be rejected, citing the law enacted by the J&K assembly that the right under Section 3 is available only to the J&K residents. It says: "Every person residing in the state shall have the right to information." A large number of scholars interested in Kashmir-related topics, are frustrated as their queries are rejected on this ground. A Delhi organisation media studies group, specialising in research on media, had filed a simple RTI query to know the names of newspapers, news agencies and electronic agencies, the contact numbers of their journalists and employees, their addresses, emails, etc. and accreditations granted or pending. The J&K Directorate of Information rejected the query and returned the postal order of Rs50 as the RTI fee, stating that "a person who is non-state subject is not entitled for right to information under Section 3 of the Jammu and Kashmir Right to Information Act, 2009. The group's convener filed an appeal against this order, but it too was rejected as "not tenable". (DNA 7/5/12)

Aadhaar authority gives false RTI info (1)

MANGALORE: Are information obtained under the Right to Information (RTI) Act 2005 are cent per cent accurate? Apparently not, if the reply given by the Unique Identification Authority of India (UIDAI) to a query raised by a city-based teacher is any indicator to go by. When his Aadhaar card was delayed for more than four months, Fr Richard Rego, associate professor of the department of mass communication of St Aloysius College, submitted an RTI application to UIDAI seeking information on the status of his Aadhaar enrolment. Within a month, the central public information office (CPIO) of UIDAI replied that the enrolment agency 'lost' his data packets while transferring it to the technology centre. UIDAI also directed Fr Rego to re-enroll himself as and when UIDAI phase II is commenced. However, Fr Richard got his Aadhaar card within three days after he received the RTI reply. Fr Richard enrolled for Aadhaar card on August 26, 2011. After the agency failed to deliver his card in the stipulated time, he registered an online complaint on December 2, 2011. Later, when no action was taken by the authority, he sought information on his complaint and the status of his Aadhaar enrolment under RTI on February 1. In an interim reply, the CPIO intimated Fr Rego on February 17 that the matter has been taken up for investigation. Fr Rego told TOI that the CPIO should be made liable for giving "irresponsible and false information" in the RTI reply. "The CPIO (in the final reply) concluded on May 2 that the enrolment agency had lost my enrolment data packets while transferring it. However, within three days of that, I received my Aadhaar card. What is the reliability and sanctity of RTI replies? How and from where did the lost packets suddenly resurfaced?" he questioned adding that he is thinking of filing a complaint with an appellate authority questioning the sanctity of RTI information given by the UIDAI. (Times of India 9/5/12)

RTI activist dies mysteriously, family says he was murdered (1)

NEW DELHI: The death of RTI activist Ravinder Balwani after a mysterious hit-and-run incident in the capital last month has sparked allegations of murder, with his family saying the 61-year-old was killed after repeated threats and that police were writing it off as an accident. Balwani, an aide of RTI activist Arvind Kejriwal and a member of his NGO, Parivartan, was hit by a car on April 23 and died of head injuries three days later. No arrests have been made and police claim there were no witnesses to the incident in Vasant Kunj market. Vasant Kunj (North) police said there was enough evidence that it was an accident, but they were ready to "reinvestigate" if the family sent a petition. Balwani's daughter, Sonia,

said her father had been filing RTI queries since 2001. After he retired from Delhi Transco in 2010 as a manager, he had levelled graft charges against senior government officials and politicians. "This earned him enemies. Before that, in 2009, he had complained to the Indraprastha police station SHO on getting threat calls," said Sonia, a physiotherapist. "He was receiving so many threats that he stopped sharing them with us in the past year." (Times of India 9/5/12)

RTI activist shot at in Bihar, critical (1)

Patna: An RTI activist was shot at in Muzaffarpur late on Thursday night. Police said the incident took place around 10 pm when Razi Hasan was returning home in Chandwara locality. Two persons, who were riding a motorcycle, shot at Hasan, grievously injuring him. Hasan is battling for life at Sadar Hospital. Police have arrested the two. Hasan, an RTI activist who was recently felicitated by Arvind Kejriwal, had recently procured RTI information on a bank's scheme in which the bank had been delaying payment to policy holders despite maturity. Hasan had filed over 250 RTI applications in the last one and a half years seeking information on several welfare schemes, such as the Indira Awas Yojana and the MNREGA scheme. In 2011, Ramvilas Singh, a RTI activist of Lakhisarai, had been shot dead. (Indian Express 12/5/12)

Right to Information activist gets threat calls (1)

GURGAON: RTI activist H R Bangia has lodged a complaint with the Gurgaon police saying that he has been getting threatening calls on his mobile. The resident of Ardee City, who is also a former administrative officer, has complained to the National Institute of Public Cooperation and Child Development (NIPCCD) where he used to work. The calls are reportedly being made to him on some earlier cases. "The police have received such a complaint and action will be taken soon," DCP (East) Maheshwar Dayal said. The victim also sent a complaint to Ms Neela Gangadharan, IAS, secretary Women & Child Development (WCD)-cum-Vice Chairperson of NIPCCD. Bangia said in his complaint that on his marriage anniversary day, May 11, when he reached Patiala House Court's Gate No. 4 around 11.28am, he received a call from mobile No. +919991777799. The caller said in Hindi that "Ardee City is not far from the Hauz Khas and you also have a family". (Times of India 13/5/12)

Soon, file RTI applications over the phone (1)

New Delhi, May 14, 2012: From early next year, you will be able to file right to information (RTI) requests over the phone for a premium. The government has initiated steps to set up a call centre and web portal to enable citizens to register their requests online, or over the phone. On Monday, the department of personnel and training called for requests from IT firms and call centres to set up the necessary infrastructure for the project. The government also hopes that automating the system will reduce the burden on officials for processing applications, and enable senior officers to keep track of RTI requests. According to the plan, the call centre will have to operate two lines. The first will be used to respond to general queries, and the second would be meant for filing applications. The mandatory fee of R10 would have to be paid through credit card or bank transfer via the State Bank of India's gateway, which would also charge a transaction fee. As per the proposal, an agency will be selected to set up, operate and maintain the RTI call centre for facilitating voice calls, SMSes and IVRS-managed calls. It would also develop, implement and maintain the RTI portal. (Hindustan Times 14/5/12)

NGO moves apex court against curtailed RTI access, high fee (1)

New Delhi, May 15 : An NGO Tuesday moved the Supreme Court, seeking the quashing of the rules framed by the Allahabad High Court restricting access to information under the Right to Information Act and tagging a high fee for obtaining it. NGO Common Cause contended that the rules framed by the Allahabad High Court negated the citizens' right to information and would frustrate the implementation of the RTI Act. The rules were framed by the high court in exercise of its administrative powers. "RTI Act was the reflection of the will of the citizens of India that has been codified by parliament and accepting rules repugnant to the provision and object of the act would render the RTI Act redundant," said the petition. The NGO has sought the quashing of the rules framed by the high court which provide that every application seeking information would be made only for one query and those seeking information will have to disclose the "motive" for seeking the information. "Under Rule 20 (of the high court rules), in order to determine what the 'motive' is, it is necessary to enquire into the purpose/reasons for which an applicant is seeking information," the petition said, contending that "this is clearly violative of the statutory mandate of Section 6(2) of the RTI Act." "It imposes an unwarranted constraint on the actualization of the citizens' fundamental right to information," it contended. Besides this, the high court rules have fixed fee accompanying the application at Rs.500, which is 50 times more than that fixed by the central

government and accepted by the apex court. The applicant seeking information will have to pay charge of Rs.15 per page of information and that too in cash, the petition said. The high court rules say that after the processing of the application, the information would be made available only after the permission of the chief justice or any other judge nominated by the chief justice in this regard. The petition said these rules were clearly against the provisions of the RTI Act wherein the duty of giving the information or denying the same under Section 8 of the act, has been cast upon the public information officer (PIO). "It is the PIO who has to suffer the penalty in case of wrongful denial or delay in giving information," the petition said. "PIOs can't be taking instructions from the Chief Justice as to whether a particular information that exists with the registry or the secretariat in some file or electronic form, should be made available to the RTI applicant. PIO has to be guided by law and not by his superiors," it said. Referring to the high fee that had to accompany the application seeking information, the petition contended that in Uttar Pradesh, the per capita income was Rs.70 per day and this means that an average person would have to spend more than his week's income to get a single query answered. "There can be no doubt that such a high fee is unwarranted and cannot be considered to be 'reasonable'," the petition said. (IANS) (New Kerala 15/5/12)

500 for an RTI application? (1)

New Delhi: A PIL has been filed in the Supreme Court seeking to scrap rules framed by the Allahabad high court that says an RTI applicant can ask only one query in an application and he/she will have to pay Rs500 for each query. The petition filed by lawyer Prashant Bhushan and drawn by Pranav Sachdev says one of the rules exemplifies how they "fail to carry out the purposes of the said Act, as also the extent to which they are in conflict with the parent Act". Bhushan sought scrapping the HC rules including that one which envisages, "If the application is permitted, he or she shall be entitled to the information only after he makes payment in cash at the rate of Rs15 per page of information to be supplied to him". While the government charges only Rs10 for an application and Rs2 for per page print, the HC has multiplied the cost in complete disregard to the fact that the per capita income of Uttar Pradesh is Rs70, the PIL pointed out. (DNA 16/5/12)

RTI Act: Plea in SC on High Court rules (1)

New Delhi: An NGO has moved the Supreme Court challenging the validity of the rules framed by the Allahabad High Court for disclosing information under the Right to Information Act. The PIL, filed by Common Cause, submitted that the rules are in violation of the RTI Act as they prescribe exorbitant charges for revealing information under the transparency Act. "If the rules drafted by the Allahabad High Court are allowed to stand, it would negate the citizen's right to information under the RTI Act and frustrate the implementation of the latter. The RTI Act is a reflection of the will of the citizens of India that has been codified by Parliament, and accepting rules repugnant to the provisions and object of the Act would render the RTI Act redundant," the petition said. It said the rule of charging Rs 500 for each information is against the Act which prescribes for reasonable fee to be charged from information seekers. It also challenged the rule of charging Rs 15 per page of information to be supplied. "Transparency and accountability in the functioning of the public authorities and institutions have been recognised as a sine qua non of democracy. Putting undue and prohibitive restrictions on this right, especially by virtue of rules which bear no nexus with the object of the Act, amounts to negating the idea of a society," the NGO said. It said repeated recommendations by Central Information Commission to modify its RTI rules was ignored by the High Court. (Indian Express 16/5/12)

Forum seeks Governor to reject Govt. selected information commissioners (1)

THIRUVANANTHAPURAM, May 20, 2012: The Human Rights Defence Forum has urged Governor H.R. Bhardwaj to return the recommendation for appointment of two politicians as State Information Commissioners. In a representation to the Governor, the general secretary of the Forum D.B. Binu pointed out that the Selection Committee headed by the Chief Minister Oommen Chandy had recommended the appointment of Vithura Sasi and Dr. Kuriyas Kumbalakuzhi as Commissioners last week without any kind of selection process or consideration of any other persons for the post. The general secretary pointed out that an opportunity should have been provided for qualified persons to apply for the post as mandated under Article 14 of the Constitution. The appointment of these posts being appointments to an institution which function essentially to supervise the administrations of every democratic institutions, complete transparency and accountability should have been ensured, bearing in mind the decision of the Supreme Court rendered in the matter of appointment of Central Chief Vigilance Commissioner. He recalled that the Union Ministry of Personnel, Public Grievances and Pensions had come out this time with a public notification inviting applications from the qualified and desiring candidates to the post of Information Commissioners in the Central Information Commission. However, the State

government had not framed any selection process and criteria for assessing comparative merits of candidates. The appointments were sought to be made in an arbitrary manner. "The State and the Selection Committee have played fraud on the Constitution and people by making appointments to very high offices by following a non-transparent, unfair and unreasonable process." Mr. Binu noted that the matter was also sub-judice. The Forum had filed a writ petition before the High Court of Kerala seeking fair and reasonable procedure affording opportunity to all qualified and interested persons in the State to apply for the posts of Chief Information Commissioners. The Selection Committee had met and made recommendations while the case was under consideration. The Court had asked the Government pleader whether any criteria or guide lines had been laid down for the selection committee to follow for recommendation of the names of persons for appointment as State information Commissioners. The case then came up on April 12, but the Government pleader sought further time and the case was adjourned to a date after vacation. "The hasty steps taken by the Selection Committee and the State government, unmindful of the Writ Petition and the prayers sought therein speaks itself the political unholy tie up of the parties in power and in opposition. The people therefore have to be vigilant to defeat the design of politicians to make such institutions as tool for defeating the democratic rights of the people," he added. (The Hindu 20/5/12)

RTI applicant to get Rs 5,000 compensation for false information (1)

PANAJI: The Goa state information commission has ordered the office of the Goa chief electrical engineer to pay compensation of 5,000 to a citizen who received misleading information to his application under the Right to Information Act. In this context, the Goa state chief information commissioner M S Keny recently noted, "Harassment of an information seeker by public authorities is not permissible under RTI. Besides, it is socially abhorring." The commissioner noted that instead of going for penal provision, the commission is considering "compensating the appellant for the loss and detriment suffered by him in having to pursue the matter. Secondly, this approach will have a telling effect as it may drastically improve work culture and also change the outlook." Ordering the office of the chief electrical engineer to pay compensation of 5,000 to the complainant, the commission also directed that the money be paid from the funds of the electricity department. The case relates to one Vernon Fonseca of Lokhandwala complex in Andheri, Mumbai. In October 2010, Fonseca sought information under RTI from the office of the Goa chief electrical engineer as follows, "Kindly issue me certified copies of memorandums received by your office from the office of chief minister of Goa, and the office of President of India, as mentioned in your letter dated April 20, 2010. Kindly also issue me certified copies of reports sent to these offices as per your letter dated April 20, 2010." In its reply dated November 22, 2010, the office of the chief electrical engineer informed Fonseca that the report was not received from the executive engineer, electricity division VI, Mapusa, till date as such no report was sent to the higher authority. It was also informed that the RTI application was transferred to the executive engineer, division VI, Mapusa for disposal from his end. Even after his first appeal, the applicant was not satisfied. In his submission to the Goa state information commission, he complained that the "information is incomplete and misleading." Having scrutinized the case, the commission held that the actions of public information officer "amount to furnishing misleading information. The appellant as a result suffered detriment on account of failure to provide correct information. The appellant through his power of attorney holder had to come many a times to the commission with the hope that correct information would be furnished. This naturally caused mental and physical harassment to the appellant." (Times of India 21/5/12)

Mumbai activists demand clarity on RTI amendments (1)

Mumbai: After slamming the government for amending the RTI rules, activists have demanded clarity regarding what the government really intends through the amendments. Activists are calling for more clarity on certain issues, prominently the 150 word limit and the issue of multiple subject matters. "If read strictly by the printed word, the amendment pertains to subject matter and not the description (where most of the content in an application exists). The description can be as long possible," said Bhaskar Prabu, an RTI activist. Vijay Kumbhar, another RTI activist and columnist, said, "What will the PIO (public information officer) do in that scenario? What if the application is 151 words? Will the application be rejected altogether?" According to Prabhhu, if there are multiple subject matters in an application, the PIO is supposed to give information only on the first subject matter as per the amendments. The activists will soon voice these issues to the government's subordinate legislation committee. (DNA 23/5/12)

CBSE Class X marks can't be revealed under RTI: HC (1)

NEW DELHI: Marks obtained by a student in the Class X CBSE exams cannot be revealed under the Right to Information (RTI) Act as it would defeat the very purpose of the new grading system, the Delhi

high court has ruled. Setting aside a ruling by the Central Information Commission asking the Central Board of Secondary Education to reveal marks obtained by a girl in her Class X board examination in 2010, a bench of Acting Chief Justice A K Sikri and Justice R S Endlaw held that marks could not be treated as "information" under the RTI Act as CBSE awarded only grades now. The verdict came on the plea of Anil Kumar Kathpal, who wanted the board to disclose the marks secured by his daughter in her Class X exam in 2010. He said the information, specifically subject-wise marks, would help him identify the weak areas in her studies. The high court has set aside a CIC ruling that asked CBSE to reveal under the RTI Act marks obtained by a girl in her Class X board examination in 2010. The court also set aside the verdict of a single-judge bench which had asked CBSE to reveal the marks. "We are unable to agree; we feel the CIC as well as the learned single judge, by directing disclosure of 'marks', in the regime of 'grades' have indeed undone what was sought to be done by replacing marks with grades and defeated the very objective thereof," the high court said, allowing CBSE's appeal. "In our opinion, even though there is no express order of any court of law forbidding publication of marks... the effect of bringing the regime of grades in place of marks and of dismissal of challenge thereto, is to forbid publication/disclosure of marks... The objective...was to grade students in a bandwidth rather than numerically, it was felt that (the) difference between a student having 81% and a student having 89% could be owing to subjectivity in marking," the bench said. (Times of India 28/5/12)

RTI plea on officers' appointment rebuffed (1)

New Delhi: The files relating to framing of rules for empanelment of officers to the post of additional secretary and secretary at the Centre cannot be disclosed as these are Cabinet papers exempt from disclosure under the Right to Information (RTI) Act, the government has maintained. This stand of the government was reiterated in a letter to the Central Information Commission (CIC) by the Cabinet secretariat's under secretary. The government decided to approach the Delhi High Court challenging the CIC's direction to make such disclosures. In its February 29 order, Chief Information Commissioner Satyananda Mishra had held that the government cannot deny information on framing of rules and its relaxation to an information seeker on the ground that these are Cabinet papers exempt from disclosure under the RTI Act. The CIC had explained the legal position while rejecting the stand taken by chief public information officer (CPIO) on a plea of noted RTI activist Subhash C Agrawal seeking information pertaining to appointment of former Chief Vigilance Commissioner P J Thomas. (Deccan Herald 28/5/12)

When a magistrate almost took RTI route to get answers (1)

New Delhi: How many FIRs were lodged in the last one year under the Delhi Prevention of Defacement of Property Act? In how many FIRs were the accused politicians? And how many of them were arrested for blemishing public structures by putting up posters, banners and hoardings during election campaigning? Do these sound like queries from an application filed under the Right To Information (RTI) Act? Well, almost. Baffled over lack of clarity on the circumstances under which police arrest such accused and even file chargesheets without arresting them, Additional Chief Metropolitan Magistrate Kiran Bansal wondered if she, being a citizen of India, should file a RTI application to get such information from the police. When a police officer failed to her of any clear policy in this regard, she wondered if this "discretion" was being used in "special cases" where people, accused of defacing properties, were leaders of political parties. The officer had filed a chargesheet in a case naming, among others, Congress leader Geeta Sharma and her husband Manoj Sharma as accused under the Defacement of Property Act over posters pasted ahead of the MCD elections. As per the FIR lodged at the Madhu Vihar police station, two posters were found pasted on water tanks near Ganesh Apartments in I P Extension on April 6, eight days before the MCD elections. Geeta Sharma went on to win and is councillor from IP Extension. "In the present court, chargesheet pertaining to the above Act of the entire East District are being filed and this court has come across many instances wherein sometimes the chargesheet is filed after the arrest of the accused and sometimes without arrest of the accused. It is also felt that in most of the cases where the chargesheet is filed without arrest of the accused, the accused persons are influential persons and posters and banners are of political parties," ACMM Bansal said. She went on to compile a list of seven questions for the area DCP. These queries included those on number of defacement cases between April 1, 2011 and March 31, 2012, instances where politicians were involved, and on the decision to file chargesheets without arresting them. ACMM Bansal said because she was a judicial officer, she could get all the information without resorting to the RTI Act. "The undersigned felt that being a citizen of India and also an ACMM, it was the onerous duty of the court to take up the matter on the official side..." She had a copy of the order sent to the DCP, East for collection of data regarding her queries, its compilation and submission in court by the last week of June. (Indian Express 1/6/12)

Over 5,000 children died at Safdarjung hospital in 3 years (1)

New Delhi: Over 5,000 children, including newborns, died in the past three years while undergoing treatment at the government-run multi-speciality Safdarjung hospital here, an RTI reply has revealed. While 2,545 children died within 48 hours of admission, of which 914 were neonates (newborn), 1,833 died after that. In reply to an RTI query by Mumbai resident Ajay Marathe, the hospital revealed that in the past three years, starting from 2009, a total of 24,924 people died while undergoing treatment at the hospital. 5,382 deaths were reported from the department of paediatrics, of which 1,918 were neo-natal deaths, it said. The department of medicine reported the highest number of deaths at 9,108, followed by 3,460 deaths from the department of burns and plastic surgery and 2,755 from the department of surgery. Safdarjung hospital, the country's largest government-run multi-speciality hospital in the northern region had a total of 3,82,950 admissions in the past three years. "It is surprising to know that an average of four deaths happened every day in the hospital over the past three years. This includes so many newborns. Every life is important and government should do something about it. I had asked for deaths due to infection, which they did not reply at all," Marathe said. Of the 24,924 deaths, 10,542 died under 48 hours and 14,382 over 48 hours, he said quoting the reply. (Indian Express 3/6/12)

RTI Act: explanation sought from High Court official (1)

CHENNAI, June 4, 2012: The State Information Commission has called for an explanation from the public information officer of the Madras High Court on why he should not be penalised for not furnishing within the prescribed timeframe, information sought by a person under the Right to Information Act. In 2009, P. Kalyanasundaram of Pattalam, in his application before the public information officer of the High Court of Madras, had sought to know the list of registers, forms, ledgers and records maintained by the office of High Court registry. Contending that the public information officer had not provided the information even after two years, he filed an appeal before the State Information Commission. He also sought compensation for the loss. However, the public information officer in his counter said it was confusing as to what kind of information the applicant was seeking. He had sought information in a casual, indiscriminate and haphazard manner. Such an attitude would defeat the purpose of the Act. The information sought was already published in the website of High Court. Hence, he sought dismissal of the application. After hearing both sides, the State Chief Information Commissioner K.S.Sripathy said the public authority should have understood at the first instance itself what kind of information had been sought and the correct details could have been provided. The public authority should have provided some concrete answer whether the information could be given or not within the timeframe. Nearly two and half years had passed since the information was sought, refusal to provide information was violative of the provisions of RTI Act.(The Hindu 4/6/12)

Explanation on RTI Act issue sought from HC official (1)

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RTI peek reveals Rs 35-lakh toilets (1)

New Delhi, June 5 (PTI): The Planning Commission's definition of poor: those who can spend less than Rs 32 a day. Now it seems it also has a definition for "very high dignitaries": those who use toilets that cost Rs 17.5 lakh. The commission has spent Rs 35 lakh renovating two toilets at its headquarters Yojana Bhawan, an RTI reply has revealed. Of this, Rs 5.19 lakh went into a "door access control system", which allows only 60 people provided with smart cards to use these international airport-grade restrooms. The reply to activist Subhash Agrawal's application also reveals that the plan panel wants to install CCTV cameras in the corridors outside these toilets — to check theft of the bathroom fittings. Estimates of the cost have been sought from the central public works department. Another plan panel note spells out why this is not money down the drain. "Things like disturbing/breaking of sanitary appliances are taking place frequently.... Very high dignitaries visit Yojana Bhawan in connection with official work. In addition to this, non-official members of different committees visit Yojana Bhawan for attending meetings," the note says. It adds that damaged or defunct sanitary fittings portray the commission in poor light before the visiting dignitaries. The commission's reply to the RTI plea says: "Cost of installation of door access control system is Rs 5,19,426 for two toilets. Cost of renovation of (the) two toilets... is Rs 30,00,305." An earlier noting that proposed the toilet upgrade said these two loos would be renovated as a pilot project, after which a decision would be taken on renovating three other toilets in the building. The revelations come months after the commission faced accusations of insensitiveness over its declared poverty criteria: a per head, per day expenditure of Rs 26 in the villages and Rs 32 in urban areas. (Telegraph 6/6/12)

Misuse of SC/ST Prevention of Atrocities Act alleged (1)

KARIMNAGAR, June 8, 2012: The Lok Satta voluntary organisation has alleged that the ambitious SC\ST Prevention of Atrocities Act was being misused and causing serious inconvenience and embarrassment to the people of Karimnagar district. According to information collected under the Right to Information Act from the special sessions judge for SC\STs Prevention of Atrocities Act cum-fifth additional district sessions judge at Karimnagar, the Lok Satta said that a total of 644 SC\ST atrocities were registered in the district from 2005 to till date. Among the total cases, judgments in 465 cases were delivered in which only 17 persons were convicted and those accused in the remaining 448 cases were acquitted. In a press note here on Thursday, Lok Satta district president N. Srinivas and general secretary T. Rajamouli said that the SC\ST Atrocities Act was being misused and harassing the whistle-blowers by registering the false cases in the district. They said that the misuse of the Act would send wrong messages to the people and appealed for the affective implementation of the Act. (The Hindu 8/6/12)

CR official pays for 'careless' reply to RTI query (1)

Mumbai: A reply to a Right to Information (RIT) request, which the Chief Information Commission (CIC) termed "careless and light hearted," cost a senior Central Railway (CR) official Rs2,000. The CIC recently directed the senior divisional commercial manager of the Solapur division, CR to pay a compensation of Rs2,000 to one BR Jogdankar for failing to provide him with a proper reply to his query. He was asked to pay this sum as his actions "obstructed the supply of information to the appellant" and also to make up for what he had "to suffer in terms of time and money". In September 2011, Jogdankar, a resident of Karnataka, had sought information against six points with respect to the cleanliness of Gulbarga station in Karnataka. The application had been forwarded by the Public Information Officer (PIO) to the accused railways official and based on the information he provided, Jogdankar received a one line reply from them. It said: "The cleanliness work of Gulbarga station is being managed departmentally." Unsatisfied with this reply, Jogdankar filed his first appeal and on not receiving a reply from the Appellate Authority, he filed his second appeal before the CIC. The CIC directed the PIO to provide him with the information that he sought. In case the respondents fail to comply with the order, the CIC has given Jogdankar the liberty to approach them again. (DNA 8/6/12)

Fighting Naxals cost ` 5.46 cr to government (1)

Mysore: Do you know how much it has cost the government to fight Naxals for over one decade? It's Rs 5,46,54,036, according to the data furnished by the office of the Superintendent of Police (SP), Anti-Naxal Force, Udipi district. The information retrieved under Right to Information Act in March 2012, states that more than paying the force, what has cost the authorities more is non-salary expenditure. From the year 2000 till 2011, an amount of Rs 1,86,52,568 has been spent on salary, while Rs 3,60,01,468 has been spent on non-salary expenditure — taking the total to Rs 5.46 crore. Chikamagalur, Shimoga, Udipi and Dakshina Kannada have been identified as Naxal-affected districts. Till 2010, 16 Naxals — including three women — have been killed in different operations. Interestingly, none have surrendered, while three

police personnel have laid down their lives fighting against the vigilante group. They are: Venkatesh, ASI, Shimoga; Guruprasad M N, constable attached to KSRP fifth battalion, Mysore; and M S Mane, constable attached to ninth battalion of KSRP, Bangalore. Though the reasons behind Naxalism is an open secret, the government says Naxals are making all efforts to find ground in Karnataka like in neighbouring Andhra Pradesh and Tamil Nadu. To make it a success, they are identifying places where people lack basic amenities. According to information provided by the anti-Naxal force, there is hardly any response from the other side. If any person surrenders seeking rehabilitation, he or she will be entitled for incentives in the range of Rs 10 to Rs 25,000 — against each weapons. For detonators Rs 10, electronic detonators Rs 50, grenade (hand or stick) Rs 500 for each, explosive material Rs 1,000 per kg, IED Rs 1,000 each, wireless set Rs 1,000 for short range, rockets Rs 1,000 per weapon, remote control device Rs 3,000 per device, mines Rs 3,000, pistol or revolver Rs 3,000 per weapon, wireless (long range) Rs 5,000 per set, satellite phone Rs 10,000, AK 47/56 or 74 rifle Rs 15,000 per weapon, SAM missiles Rs 20,000, UMG, GPM, RPG and sniper rifle Rs 25,000 per weapon. (Deccan Herald 12/6/12)

PIL to be filed on selection of state chief information commissioner (1)

MUMBAI: RTI activists have decided to file a PIL against the state government on the process of selecting the state chief information commissioner. The move follows the appointment of Ratnakar Gaikwad as the state chief information commissioner (SCIC) and activists feel that the state government needs to rethink its decision of having him at the helm of affairs. Gaikwad, who met RTI activists on Monday at his office, tried to calm frayed nerves; he told them that he never imagined that he would be appointed as the SCIC and that post-retirement, he had plans to join a private firm. When the activists raised the sticky issue of his role in issuing the occupation certificate for Adarsh, Gaikwad said that the final inquiry would make things clear and that he didn't want to elaborate on the issue. But he said that the navy had not stopped the MMRDA from issuing the OC. However, most activists like Anil Galgali, Krishnaraj Rao, G R Vora felt that Gaikwad, who had given them an audience, was rather evasive in his responses. (Times of India 12/6/12)

Centre asks state for RTI report card (1)

Imphal, June 12 2012: The Centre has demanded the state government to submit report card on RTI implementation and the awareness programmes organised under the funds sanctioned. According to a reliable source, Dept of Personnel and Training, the nodal agency for implementation of RTI Act has informed the State Information Commission to submit the utilisation certificates. If the state govt fails to submit, then Centre may stop further release of the fund. The source disclosed that Centre had sanctioned Rs 2.5 lakh to the State Information Commission for organising RTI Week Observation in October last year as grant and an amount of Rs 2.5 lakh for organising training under Innovative Awareness Generation Programme. (Manipur: E-PAO 13/6/12)

RTI Act hit by judicial obstacles, says report (1)

New Delhi: Though the high courts in the country are supposed to deliver justice in Right To Information (RTI) cases, they are the very institutions that make implementation of the law difficult, a study by a government institute has found. The study conducted by the Yashwantrao Chavan Academy of Development Administration, which evaluates the efficacy of the transparency law, finds that many high courts have prescribed rules for RTI in violation of the parent Act. The study also brought out some startling facts, such as high courts failing to rectify typographical errors while copying rules of other high courts, and imposing restrictions in addition to the eight already existing in the parent law. "The question is, can the competent authority, while exercising its rule-making power, frame rules contradictory to the substantive provisions of the Act?" the institute asked in the report submitted to the government. Through their rulings, a majority of the high courts have reduced the severity of penalty on those who fail to provide information on time, or give the wrong information. The RTI law provides for a maximum penalty of Rs 25,000 whereas several high courts, such that of Calcutta and Gujarat, impose a maximum penalty of Rs 1,000. Many high courts insist on knowing the motive behind seeking information, which is prohibited under the RTI Act. The Jharkhand HC RTI rules ask the applicants to give the motive for seeking information in writing. "An impression is created that the (high court) authorities have not applied their mind while drafting rules..." said the study. High courts in several states stated that their respective chief justices can take a call on the information that has to be made public. The RTI law says that the official concerned can be penalised for delay or providing wrong information. In the case of UP and MP, the rules of the RTI Act have been made subservient to that of the courts. This makes procuring information difficult for RTI applicants. Also, the high courts of Allahabad, Kerala and Madras say that information can be

made available only after getting the Chief Justice's approval. (Hindustan Times 17/6/12)

'RTI applications being returned for wrong reasons' (1)

HUBLI, June 18, 2012: The returning of Right to Information (RTI) Act applications by the Karnataka Information Commission (KIC) because photocopies of the Rs. 10 postal order were not attached is against the law, Grahakara Hakku Mahitigala Jagarana Vedike, Hubli, has said. Vedike president Rama Rao has submitted a memorandum to the Chief Information Commissioner of the KIC, urging him to initiate remedial measures. In the memorandum, Mr. Rao said the KIC office was returning complaints and appeals because photocopies of the Rs. 10 postal order were not enclosed. Mr. Rao said that no one kept photocopies of the postal order and even the RTI Act did not make it mandatory for citizens to maintain photocopies and send it to the KIC. "Writing the number of the postal order or sending the copy of the counterfoil of the postal order is sufficient to show that initial amount is paid. Hence, the return of complaints/appeals by the KIC officials is against the law." Mr. Rao also pointed out that the KIC was returning complaints and appeals and was insisting on submission of copies of acknowledgements issued by the Public Information Officer (PIO) or First Appellate Authority (FAA) despite there being several complaints about the non-receipt of reply from PIO/ FAA. "When no reply is given, how can a citizen furnish the copies," he asked. He also pointed out that complaints were being returned for not approaching the FAA and also by saying that there was no provision for considering them under Section 18 (1) of the RTI Act as per a court order. No court had prevented the KIC from hearing cases pertaining to not giving reply within the statutory period and giving misleading information and for imposing penalty, he said. In his letter, Mr. Rao said applications were being returned without proper verification. While passing orders it was not being verified whether the authorities had furnished the right information as sought by applicants. (The Hindu 18/6/12)

RTI has primacy over privacy: CIC (1)

New Delhi: The Central Information Commission (CIC) has stated that a citizen's right to information would get primacy over an individual's right to privacy, adding weight to the principle of transparency. In an important decision, the transparency panel said though the state had no right to invade the privacy of an individual but in extraordinary circumstances, where the government sought information from citizens, details could be given out under the Right to Information (RTI) Act. This would make job applications as well as details given by citizens to seek licence and passport etc, open to disclosure under the RTI Act. The Commission trashed a circular issued by Department of Personnel and Training (DoPT), the nodal ministry to deal with the transparency law, prohibiting disclosure of such information, cumstances, special provisions of the law will apply, usually with certain safeguards. Therefore, where the state routinely obtains information from citizens, this information is in relationship to a public activity and will not be an intrusion on privacy," Information Commissioner Shailesh Gandhi said. The commission was dealing with an appeal filed by Hyderabad resident P Pramod Kumar seeking information on the application as well as other certificates filed by Savitha Kalikar for obtaining passport, which were denied by the authorities on the ground that those were personal information exempted from disclosure. Gandhi rejected the argument of the Public Information Officer of Regional Passport Office that there was a circular from DoPT, which stated such details could not be released. (Deccan Herald 19/6/12)

UP slow on seeking central funds for strengthening RTI (1)

LUCKNOW: UP is not only slow in disposal of RTI(Right To Information) applications but also in seeking funds for strengthening the RTI infrastructure in the state. UP State Information Commission (UPSIC) has still not submitted a proposal to the centre to seek funds for taking necessary steps to strengthen the implementation of the Right to Information (RTI) Act. The department of personnel and training (DoPT), GoI, in the start of June, had asked all the state information commissions (SICs) and administrative training institutes (ATIs) to submit proposals to seek funds for generating awareness on RTI and strengthening infrastructure for the effective implementation of the Act in the respective states. While the state's administrative training institute has submitted the proposal, the state information commission is still to act. DoPT has, so far, received proposals from at least 13 SICs. "As soon as the state submits its proposals, we will hold a meeting and decide what amount has to be released," said sources in DoPT, New Delhi. The states are also required to submit the Utilization Certificate (UT) for the funds received in the last financial year. UP, however, has not acted on that as well. Sources in UPSIC, however, said that since the post of the secretary is lying vacant, sending a proposal might take time. To strengthen the RTI regime, a centrally sponsored scheme for 'strengthening, capacity building and awareness generation for effective implementation of RTI Act', was launched in 2008 with the primary objective of creating awareness and for training officers, both in central and state governments. Under the scheme, funds were

provided to SICs for strengthening IT infrastructure for awareness generation. The money was also provided for training of public information officers (PIOs) and appellate authorities (AAs). The funds have to be utilized for creating awareness by celebrating RTI Week every year between October 5 and 12. SICs have to be provided with a financial assistance of up to Rs 2.5 lakh for conducting workshops, seminars, press-meets and competitions at school and college level on RTI-related themes. The commissions have to submit a detailed proposal to seek funds, under various heads, to get funds from the centre. (Times of India 21/6/12)

RTI activist alleges harassment by MLA (1)

GURGAON: A local RTI activist, O P Kataria, who has been actively campaigning against Gurgaon MLA Sukhbir Kataria, has accused the latter of harassing him. The MLA is clouded by a controversy over alleged fake voter ID cards in the last assembly elections. According to O P Kataria, about 10 policemen barged into his house on Tuesday morning and tried to fraudulently implicate his wife in a land case. "These cops are acting at the behest of Sukhbir Kataria, who is trying to exert pressure on me so that I do not pursue the ongoing court case on fake voter cards. Today's act is in retaliation for the fact that I filed a second FIR in the fake voter ID card case two weeks ago. The cops simply forced their way inside my house in my absence and started harassing my family members. They did not have a search warrant and all the allegations against my wife are baseless," said O P Kataria. "I have all the required documents to prove that she is innocent. I have incriminating evidence against the MLA and even he knows it. This is the reason he is putting pressure on me in devious ways. The matter is already in court and my case has only grown stronger with the filing of the second FIR. I have enough documents to prove that he got hundreds of fake voter ID cards made which eventually helped him win the assembly election," he said. The police have rubbished this claim. "We followed the procedure and went to arrest her after a complaint was registered with us by the district town planner (DTP). There was no need for us to have a search or an arrest warrant. However, we did not find her at home," said Narender Singh, assistant commissioner of police. Despite repeated attempts, the MLA could not be contacted. (Times of India 21/6/12)

Babu pays 25,000 for denying information (1)

Mumbai : In his first order after he took over as the chief information commissioner, Ratnakar Gaikwad has imposed a fine Rs 25000 on two senior officials of the food and civil supplies department after he found that there was malafide intention to suppress information sought by two separate complainants under the right to information act. Ever since the RTI act was enacted seven years ago, it was the highest ever fine imposed by the information commissioner. Further, Gaikwad not only imposed a heavy fine on erring officials, but also asked the food and civil department to display basic information on its website. A Bhandup resident had approached the local office of the food and civil supplies department to seek specific information as to how a ration card was allotted to his neighbour and she had also asked for documents from the competent authority. Even after two years, when rationing officer R N Hakke did not provide the information on the ground that the records were destroyed during the monsoon. When Gaikwad found that there was an attempt to suppress information, he imposed a fine of Rs 25000 on the officer and directed him to provide the information within a week. In the event, he fails to provide the information, then Gaikwad has asked the food and civil supplies department to suspend him. In another identical case, when it was observed that a rationing officer was deliberately avoiding to provide information to a Dadar resident, in that case too, Gaikwad imposed a fine of Rs 10,000 on the erring officer and asked the department to suspend him if he fails to provide the information. In his well reasoned order, Gaikwad said as per the provisions of the right to information act, it's the responsibility of the department to provide entire information about the department on its website too, so that for securing basic information, there was no need to invoke the provisions of the RTI act. The chief information commissioner has directed the controller of rationing to provide all the information on the website of the department," a senior official said. (Times of India 1/7/12)

RTI Act under threat: outgoing Information Commissioner Shailesh Gandhi (1)

New Delhi: Outgoing Information Commissioner Shailesh Gandhi has warned that the Right to Information Act is under threat and might become irrelevant in the next five years. Speaking to CNN-IBN, Gandhi said that the threats come from various sections. "The RTI Act is growing very well across the country, but there are serious threats to it," he said. He said that the government officials tend to get uncomfortable as the RTI Act has the power of exposing scams. "The lowest threat comes from the government with everyone in power realising that it's changing the power equation as the citizens of India are asking questions. That's making them uncomfortable. Major scams have come out in the last two years and 20 to 30 per cent can be attributed to RTI," Gandhi said. He also warned of threats from the judicial system.

"There is threat from the judicial system as well. "A lot of progressive orders are landing in courts. The average citizen cannot go to them as it's a long battle. It can be done by rich people," Gandhi said. "The biggest threat from Information Commissions. The state commissions have huge pendencies," he added. (CNN IBN 2/7/12)

Central Information Commission move for transparency (1)

THIRUVANANTHAPURAM: The Central Information Commission has asked the Union government to ensure that cabinet notes on all proposals for new bills are made public. The order, which will be binding on the Centre and all state governments, may provide information on the differing opinions aired by bureaucrats and ministers during the framing of a proposed bill. The central information commissioner (CIC), Shailesh Gandhi, was passing an order on a Right to information (RTI) appeal against Department of Atomic Energy (DAE), which denied information on cabinet notes related to nuclear safety regulatory authority bill, 2011. The CIC said there was a larger public interest in disclosing cabinet notes on any new bill in Parliament. It is obvious that if citizens knew the contents of the cabinet note based on which Parliament proposed to enact a law, it would lead to better and meaningful democracy and enactments of laws which would indeed serve people's needs," Gandhi said. The commission then directed DAE to display the cabinet note on its website before July 20. The DAE had earlier denied a photocopy of the cabinet note prepared by the DAE seeking approval of the Union cabinet for introducing the nuclear safety regulatory authority bill, 2011, to Venkatesh Nayak, an RTI applicant. The public information officer (PIO) of DAE denied the information under section 8 (1) of RTI Act maintaining that the matter is incomplete till the bill is enacted, duly gazetted, and a notification issued. Naik's first appeal, stating that that the bill was complete as the date of the bill clearly mentions that it was already tabled in the Parliament, was also rejected forcing him to approach the CIC straight. CIC Shailesh Gandhi said once the decision is taken by the cabinet to table the bill in Parliament, the matter is complete as far as the cabinet is concerned. The exemption claimed by the PIO under section 8 of the RTI act cannot be upheld. "The PIO has not given any valid reason to show that any harm could come to any protected interest," the CIC said. "All cabinet notes related to proposals for bills should be tabled in the Parliament and displayed on the website of the department within seven days of tabling the bill in the Parliament," the CIC order said. The Central Information Commission has asked the Union government to ensure that cabinet notes on all proposals for new bills are made public. The order, which will be binding on the Centre and all state governments, may provide information on the differing opinions aired by bureaucrats and ministers during the framing of a proposed bill. The central information commissioner (CIC), Shailesh Gandhi, was passing an order on a Right to information (RTI) appeal against Department of Atomic Energy (DAE), which denied information on cabinet notes related to nuclear safety regulatory authority bill, 2011. The CIC said there was a larger public interest in disclosing cabinet notes regarding introducing any new bill in Parliament after the cabinet has taken a decision to table such a bill. It is obvious that if citizens knew the contents of the cabinet note based on which Parliament proposed to enact a law, it would lead to better and meaningful democracy and enactments of laws which would indeed serve people's needs," Gandhi said. The commission then directed DAE to display the cabinet note on its website before July 20. (Times of India 3/7/12)

'Info Commissions biggest threat to RTI' (1)

New Delhi: As he prepares to demit office on Friday after a nearly four-year stint at the Central Information Commission, Information Commissioner Shailesh Gandhi feels that biggest threat to RTI regime in the country is from Information Commissions themselves. Gandhi also says rising pendency of cases with Information Commissions would leave the citizens disenchanted with the transparency law. The 65-year old Information Commissioner, who paid interns from his own pocket for ensuring quick and efficient processing of case files, said in an interview to a news agency that RTI faces three major threats - lowest from the government, then judicial processes and highest threat is from Information Commissions themselves. "The highest threat is from the Commissions where already there are cases that are pending for two and three years for a law that is seven years old. If it continues like this, in the next five years the pendency is likely to be three to five years at which point the common man will run away from this just as he has run away from most of judicial and quasi judicial processes. And if that happens, RTI is dead. RTI will continue to remain just for commissions and commissioners which would be very sad," Gandhi said. An entrepreneur-turned-activist and IIT alumnus Gandhi, would be demitting his office tomorrow after nearly four year stint with the Central Information Commission during which he decided 16,000 petitions, maximum among all Information Commissioners. During his tenure, Gandhi pushed for some progressive ideas in the CIC like Citizens' charter, digitisation of records, paperless offices, rationalisation of administrative man-power to ensure pendency of cases is reduced but did not get much support from

within the Commission. (Zee News 5/7/12)

RTI Act in school books soon (1)

New Delhi: School children may now get exposure to the basics of the Right to Information Act with the National Council for Educational Research Training (NCERT) examining a suggestion for inclusion of the landmark law in the school curriculum. The suggestion has been made by the Department of Personnel and Training which is a nodal agency for the matters relating to implementation of the RTI Act. "We are discussing it. The basics of the RTE Act may be considered for inclusion in the school curriculum as a promotional material. This will help make children aware of this landmark legislation," NCERT sources told Deccan Herald. He, however, clarified that no decision has yet been taken by the council for inclusion of a chapter on RTE in school curriculum. "The council often receives suggestions from various government departments for inclusion of reading materials in the textbooks that may help improve general awareness of children. But, all are not accepted. The Right to Information Act is something that children should know about. It's a great tool for seeking authentic information from the government," sources added. The RTI Act may be taught as curriculum or in the form of non-mandatory supplementary books to the students between upper primary and higher secondary level, the Department of Personnel and Training has suggested. Earlier in January, the Central Vigilance Commission had proposed inclusion of lessons on anti-corruption in school curricula to promote ethics, integrity and honesty among children. After a series of discussion, the CVC and the Ministry of Human Resources Development later agreed in-principle for implementation of such lessons in curriculum of schools. (Deccan Herald 9/7/12)

Gag effort: 3 RTI activists attacked in 2 weeks (1)

NEW DELHI: The attack on three environment and RTI activists across the country in less than two weeks has brought to the fore how environmentalism is a dirty and sometimes violent game in the hinterland unlike the soft, candle-lighting tiger-loving green activism in big cities. Akhil Gogoi in Assam, Bharat Jhunjhunwala in Uttarakhand and Ramesh Agrawal in Chhattisgarh - green activists who used RTI to their advantage - were attacked in the last fortnight. While the first two were fighting against rampant development of hydro-electric projects on rivers in their states, Agrawal had become a known voice for catalyzing information-based grassroots protests against mining and other projects in his state. Gogoi, who had exposed corruption in the state government using RTI besides leading a swelling movement against dams in Assam and Arunachal Pradesh, was attacked in Nalbari district of Assam on July 6 by alleged Youth Congress workers. Jhunjhunwala was attacked at his house by goons on June 22 and was threatened to stop his opposition to dams in the state. Agrawal, who has taken on the powerful steel and coal industry in Chhattisgarh's Raigarh district, was shot at and injured on Saturday in his shop by unidentified assailants. News of the attacks spread quickly as the three, and their organizations, were relatively well networked with others outside their regions but several such skirmishes and violence against environmental protestors largely goes unreported. The three have become prominent faces of protests in their respective areas but many other cases - such as violent eviction of forest dwellers and those protesting at public hearings of projects - largely goes unreported at the national level. The violent and angry protests against projects have risen with rise in industrialization and massive surge in demand for land. From killings in Sompeta, Andhra Pradesh, of protestors against thermal power projects to a movement against the cement plant in Bhavnagar, Gujarat, scuffles have almost always been over use of local resources - land, forests or water. Very often, the pitched arguments have been fought over community or tribal lands incorrectly classified on government records. While the use of RTI and larger networking with support groups in cities has given a fillip to activism at the ground level, the corporate world has very often complained of vested interests using the green cover to hit at their interests. (Times of India 9/7/12)

Little understanding of RTI Act affecting functioning in UP (1)

LUCKNOW: RTI activists from all over the state have come together to highlight the plight of the RTI users and the failure of the RTI infrastructure in Uttar Pradesh. The activists have launched a signature campaign to mop up public opinion on the half-hearted implementation of the Act in the state. The campaign which was launched on Monday has got more than 100 signatures of RTI users from the city. The users have also shared their experiences, and want the implementing authorities to act and remove the anomalies, most of which are because of the little understanding of the Act among the government officers. One of the users said that the public information officer, who had demanded extra fee (as per the Act) from the user to provide the information, did not know where the additional fee has to be deposited. The lesser understanding of the Act is a roadblock in timely disposal of RTI matters. Another user has raised a point about the appointment of the first appeals' authority in the government departments. Many

of the departments have the same officer working as the Public Information officer (PIO) and the first appellate authority. The wrong appointments affect the functioning under the RTI Act. At the end of the campaign, the public opinion will be submitted to the governor, chief minister and the leader of the opposition. "We have already submitted our charter of demands to the Raj Bhawan today," said activist Urvashi Sharma. The RTI Act came into effect on September 14, 2005. It was on March 22, 2006 that the UP State Information Commission (UPSIC) started functioning. The commission, since then, has got a huge pendency of RTI applications to clear. Apart from gathering public opinion on the state of RTI affairs in UP, activists have also drafted a nine-point charter of demands to be submitted to the Governor, CM and leader of the opposition. The demands include transparency in appointment of information commissioners, quick disposal of pending RTI cases, speedy and full recovery of fine imposed on government departments for not providing information, at least 50% representation of social workers in the state level committee constituted under the chief secretary for effective implementation of RTI Act and protection of RTI users and activists, especially those seeking sensitive information. (Times of India 11/7/12)

Urgent public interest RTI pleas to get priority (1)

Mumbai: Those filing Right to Information (RTI) application keeping the public interest in mind needn't wait long for their queries to be answered. If the public interest information they have sought is urgent, state chief information commissioner Ratnakar Gaikwad will give it priority. It will be up to Gaikwad to discern which public interest appeals are urgent. At present, if an applicant files a second appeal at the information commission, he would have to wait for at least eight months. That too, only if Gaikwad continues to dispose of 400 appeals a month. Gaikwad took the decision after an applicant wanting to know the expenses on dams and irrigations in Maharashtra complained to him about the delay in information. Activist Jeetendra Ghadge had sought to know how much money was spent on dams and irrigation projects in Vidarbha. Gaikwad told Ghadge to talk to other activists filing public interest applications and submit the names to him. "The initiative is a short-term measure. After eight months, there will be no pending appeals and applications will be taken up within a week," said Gaikwad. When asked about his decision's legal standing, Gaikwad said: "Even the courts do not take up matters chronologically. If they feel some matter needs to be heard on an urgent basis, it is taken up. Priority will also be given to senior citizens. Anyway, such appeals will not be more than 5%." Activists welcomed the move but sounded caution. "In case of senior citizens, there have been instances where appeals are filed by children in their parent's name," said Bhaskar Prabhu, an activist. Another RTI activist, Krishnaraj Rao, said: "I am cautiously optimistic. It is sometimes difficult to divide the RTI application that is in public interest but meant for private causes." (DNA 14/7/12)

SC seeks Allahabad HC registry response on RTI rules row (1)

New Delhi: The Supreme Court today sought the Allahabad High Court Registry's response on a PIL challenging the provisions of RTI rules framed by it for divulging information to the public as being unconstitutional and ultra-vires of the 2005 transparency law. A bench of Justice AK Patnaik and Justice Swatanter Kumar issued a notice to the registry on the plea of NGO, Common Cause, which has sought the quashing of Rules 3, 4, 5, 20, 25, 26, 27 of the Allahabad High Court (Right to Information) Rules, 2006. The petitioner NGO has also sought directions to the high court of Allahabad and the subordinate courts within its jurisdiction to follow the Right to Information (Regulation of Fee and Cost) Rules 2006 framed by the central government. Appearing for Common Cause, advocate Prashant Bhushan said the rules framed by the high court on its administrative side not only "have the effect of abridging and infringing the right to information" but also "violate Article 19(1)(a) of the Constitution". Initially, the court had asked the petitioner to approach the high court on the judicial side but after the counsel pointed out that similar rules of the Delhi High Court was also under challenge, the bench agreed to issue the notice. In its petition, the NGO has said the Allahabad High Court's RTI Rules, 2006, framed for processing RTI applications, deviate from the letter and spirit of the transparency law. It said the high court has "unduly restricted" the information that can be sought per application, fixed Rs500 as the fee to be deposited with every RTI application and Rs15 as the amount to be paid for every page of information, etc. (DNA 17/7/12)

RTI activist objects to provision in Ladli scheme; sends notice (1)

Panaji: A RTI activist has sent a legal notice to the Goa government on its flagship Ladli Lakshmi scheme questioning a provision in it which makes it mandatory for the beneficiary to get signatures of a MP or MLA on the forms. Aires Rodrigues, a high court lawyer and RTI activist, has issued legal notice to Chief Secretary Sanjay Srivastava, giving him 48 hours notice to the government to withdraw the clause making

a MP or MLA's sign mandatory on the form before it is submitted to the Directorate of Women and Children. "MLAs and MPs are elected to draft, debate and legislate good laws. They cannot be allowed to usurp the power of government departments which are supposed to manage and implement government schemes freely and fairly without any political bias," the notice reads. The RTI activist has said that he would be forced to move to the High Court, if government does not drop the clause. Rodrigues has pointed out that in response to the Union Home Ministry's advisory, the Puducherry administration has issued directives for the removal of mandatory recommendations by MLA or MP for availing of benefits of welfare schemes implemented by the government there. Ladli Lakshmi scheme was launched recently by the state government through which an amount of Rs one lakh is given for the girl between the age of 18-40 for her marriage. The state government's clause has also not gone well with the Opposition benches, who during the ongoing state legislative assembly session, has questioned government's wisdom of having that clause. "The forms should not be with the MLAs or MPs. They should be in the government departments," Leader of Opposition Pratapsingh Rane said participating in the discussion last week. He suggested that the forms should be kept in the office of sub-registrar, where marriages are registered. (Zee News 18/7/12)

RTI-inspired blackmail irks Khaunte (1)

PORVORIM: Porvorim Independent MLA Rohan Khaunte alleged that the RTI Act is being used by groups and mafia for their advantage and to blackmail. He requested the government to have a system to check the "misuse". Taking part in the general discussion on budget, Khaunte said that the government should see that the RTI law is used and not misuse to blackmail by some groups and mafia for their advantage. "I urged the government to put in place a check and balance system so that nobody can use this information for their advantage," said Khaunte. He also said after this government came to power, the chief minister had announced zero tolerance to corruption. "But what has happened to that," he wondered. "During the last 120 days, in which ministry, department or corporation, has anybody been suspended on corruption charges", he asked. He also wanted to know what happened to the Lokayukta, which the government promised to bring within 100 days. "CCTV cameras should be fixed in all government departments and manned by centralized monitoring system. At least that will create fear in the mind of government servants that they are monitored", said Khaunte. Speaking on casinos, Khaunte said that the government should ban entry of locals in casinos and the government should check and monitor the system. "The government should check address proof before allowing anybody on the casinos," he added. (Times of India 19/7/12)

Parrikar sees no need to curb Right to Information (1)

Panaji: Declining to accept a demand from some MLAs to introduce checks and balances to avert what they described as 'misuse of Right to Information (RTI) by some activists, Chief Minister Manohar Parrikar on Thursday said: "It is a good law and we should support it." Replying to a debate on budget demands on Thursday in the Legislative Assembly, the Chief Minister said: "Let us not criticise the law. If this law was not there, corruption would have been five times more." Responding to repeated allegation by independent MLA Rohan Khavtye that some activists were misusing the RTI to blackmail officers and people, Mr. Parrikar said that a few people were indeed misusing the weapon of transparency, but he said that it did not warrant a response like "throwing away of baby with the bath water." Mr. Parrikar, however, used the opportunity to "advise media to be more matured in using the information obtained from the RTI by activists". On his part, he said he would have been most happy if all the files could be put on the website for people to check the decisions of the Government. It was pertinent to note that Mr. Parrikar as Leader of Opposition had been one of the leading users of the RTI over the years. Earlier, speaking on the State Regional Plan, land use plan, Mr. Parrikar announced in the House that he would not tolerate any vested interests in finalising the regional plan. He said that the new Regional Plan would be finalised in a transparent manner, taking stakeholders into confidence and keeping the interest of the common man in mind. Referring to the Western Ghats Special Task Force report by Madhav Gadgil, Mr. Parrikar said Goa could not accept the report in its present form. If the report was accepted, 50 to 60 per cent of Goa would be land-locked in Coastal Regulation Zone regulations on the one hand and Forest regulations on the other. "In a tiny State, land is limited and there would be no land for development," he said pointing out that Goa as it is had a high forest cover. Referring to growing activism by village panchayats driven by social and environmental activists, the Chief Minister said that there were areas where they must have a say and there were simply "no go" areas for them. The Government would come out with guidelines, he added. (The Hindu 20/7/12)

RTI Act being misused: AP Information Commissioner (1)

VIJAYAWADA: The Andhra Pradesh Information Commission has observed that awareness on Right to Information Act among common man was high. The response from the officials was however, not encouraging. The misuse of the RTI Act also came to the notice of Commission, which is contemplating taking suitable action in this regard. Addressing a press conference here on Sunday, Information Commissioner P. Vijay Babu said, "We have noticed that many officials were not providing information sought by the appellants." In some cases, they were simply washing off their hands saying the information was not available. It would also amount to rejection of the application under Section 7(2) of the RTI Act, he said, and asserted that stringent action would be taken against the officials who neglected the RTI Act. As per Section 21(b) of RTI Act, a fine of Rs.250 to Rs.25,000 per day could be levied against them; this apart, a compensation up to Rs.2 lakh could also be levied; the fines and compensation would not be paid by the government in behalf of the official, but would be recovered from salaries of the officials concerned, he said. It was observed that many Public Information Officers (PIOs) were not attending to the hearing called for by the Commission. This indifference in approach would not be tolerated any more, he said. Other side of a coin has a sordid tale to tell. Some people and organisations, under the garb of RTI activists, were misusing the Act. Either they were bulldozing the officials or seeking information with an eye on public properties. For instance, the information regarding endowments lands etc. were passed on to the land sharks by the pseudo RTI activists, he said. The Information Commissioner said that the commission was working on war footing to clear the pending cases before it. The Commission received close to 25,000 petitions, including appeals and complaints, as on date. Of this, 10,869 petitions were cleared. The petitions have piled up over last six years, he added. (The Hindu 23/7/12)

Man assaulted for seeking info under RTI Act (1)

Ballia: A man was allegedly assaulted by some persons in Sikandarpur area near here for seeking information under Right to Information Act regarding development works, police said on Monday. Babban Mishra was assaulted with sticks and rods by some persons in Rudrawar village yesterday injuring him seriously, they said. The victim was rushed to the community health centre from where he was referred to the district hospital. Babban had recently sought information regarding development works done in Rudrawa village panchayat through RTI, which had irked the family members of the village head. A case has been lodged against four persons and efforts were being made to arrest them, they added. (Zee News 23/7/12)

Govt refuses to amend Official Secrets Act (1)

NEW DELHI: Indicating its continued reluctance to share information the government has refused to make public steps taken to amend the Official Secrets Act (OSA) saying Cabinet papers cannot be disclosed before final decision is taken. The home ministry's refused to divulge the steps in response to an RTI query by activist Venkatesh Nayak from Commonwealth Human Rights Initiative seeking inspection of files and other documents related to amendment process undertaken by the Officials Secrets Act. "Information related to amendment of the said Act, as requested by you, cannot be provided under section 8(1)(i) of the RTI Act," the ministry said. Section 8(1)(i) of the Act exempts the disclosure of Cabinet papers, including records of deliberations of the Council of Ministers, Secretaries and other officers provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over. "The government does not believe it is necessary to consult with people on the amendment of what is essentially an anti-espionage law which also criminalizes unauthorized disclosure and possession of official information," Nayak said. He said it appears that the OSA is being amended in an atmosphere of great secrecy and citizens outside government do not require to be consulted. (Times of India 24/7/12)

RTI activists decry info official's remarks (1)

GUNTUR: Following an uproar among RTI activists, the Guntur Information Seekers' Association addressed a letter to Chief Information Commissioner Jannat Hussain taking exception to the observations on Wednesday. The association, comprising P.V. Ramana Rao, former member, Consumer Court, S. Ravi of the Rail Users' Consultative Committee, G. Dinamani, and P.V. Ramesh, member of the Film Censor Board, pointed that the observation made by Dr. Vijaya Babu that applications for information under the RTI Act could be rejected by the PIOs could open a Pandora's Box. The Commissioner's views go counter to Section 6(2) of the RTI Act, which says that reasons for information cannot be demanded. The Act aims at promoting transparency in public transactions. Further, the members also took objection to the remarks made by the Information Commissioner that orders should be in Telugu. Stating that the decision was a parochial one, and said English was the window to the world. T.V Bhaskar, RTI activist

based in Guntur, also found fault with the remarks made Dr. Vijaya Babu stating that the RTI Act had been mishandled by activists to settle scores with officers. He said such comments showed that the Commissioner had not understood the spirit behind the RTI Act. (The Hindu 26/7/12)

Fake cases against RTI activists fighting graft (1)

Hyderabad: Even as the Centre and state governments accord high priority to the Right To Information Act, 2005 as an instrument in the hands of the citizen to secure transparency in the functioning of public authorities, RTI activists in the state face threats to life with fake cases being registered against them. While the activists stand up for their rights braving the unholy nexus between the administration and politicians, they demand active intervention from the government. Venkata Rao of Etikoppaka village in Yelamanchili Mandal of Visakhapatnam district obtained information under RTI Act on certain flagship schemes of the government like the fraud in the implementation of Indiramma Housing scheme in Etikoppaka village. He exposed how officials obliged the demands of politicians and allocated land to their family members. For repeated RTI applications in various departments seeking information on the action taken against such illegal allocation, he was faced with FIRs charging him of criminal intimidation and assault. Mr Venkat Rao says that these cases do not deter him from exposing the corruption within the system. "It is like working in the fields and my aim is to protect my agriculture produce. So, I will continue weeding out plants even if I have to dirty my hands. The only way out now is moving ahead and ensure that justice is done without being disappointed or disheartened with the cases against me," said Mr Venkat Rao who now plans to legally take on the mighty who conspired to pull him down. This is not the only instance where RTI activists have been threatened by slapping false cases against them. Other RTI activists too are demanding government's intervention to ensure that the authorities adhere to the government memo issued in September 2010 to protect RTI activists. The state government had issued GAD Memo dated September 30, 2010 providing guidelines to district revenue and police authorities to keep a close watch over all such cases of harassment and take action against all such persons who harass RTI activists. Senior activist E.A.S. Sharma points out that in many cases, the officers in charge of public offices are either not fully aware of the requirements of the Act or are deliberately indifferent to it as it would expose their corruption. "There have been several instances in which the officer-contractor combine have even tried to file false cases against RTI applicants and cause physical harm to them. In several states, RTI activists have lost their lives for having tried to get inconvenient information from government agencies. Many public servants still consider it a "threat" if any citizen files an RTI application for information that could expose their corruption," says Mr Sharma who has demanded that the chief secretary, Minnie Mathew, intervene and take necessary action. AP Information Commissioner Vijay Babu says that the Commission is committed to protect RTI activists. "By and large it has been noticed that a few officials who are deeply rooted in corruption resort to such tactics. However, we are aware of such incidents and we strongly condemn this misuse of power. We will also take it up with the government and see that necessary guidelines are issued," said Mr Vijay Babu. (Asian Age 30/7/12)

UP to keep Lokayukta out of RTI ambit (1)

LUCKNOW: The state cabinet on Tuesday approved a proposal to place the office of Lokayukta outside the purview of the RTI Act. The cabinet meeting chaired by chief minister Akhilesh Yadav decided there was a need to maintain secrecy while investigating corruption charges levelled against officials. Since the office of the Lokayukta operates as an investigating agency, any queries about ongoing investigations, the government said, could hamper probes. The cabinet decision appears to renege on the Samajwadi Party government's promise to strengthen the Lokayukta Act. In its election manifesto, SP had promised to take steps to strengthen the office of the Lokayukta, if it was voted to power. However, since the SP has come to power, a series of changes effected by it have insulated the office of Lokayukta, instead of making it more transparent. First, the government increased the tenure of the Lokayukta to eight years, then it authorised the Lokayukta to penalise persons who were found pressing "frivolous" charges against any government official. Now, with the cabinet approving a proposal to keep the Lokayukta outside the ambit of the RTI Act, concerns have been raised about the further dilution and politicisation, rather than strengthening, of the Lokayukta office. Earlier, the SP government had suggested it would also make the Lokayukta office a multi-member body, apart from bringing the economic offences wing of the police under the purview of the Lokayukta Act. So far, however, it has done neither. Earlier, Akhilesh had also turned down a proposal to bring the CM's office under the Lokayukta's purview. Apart from the decision regarding the office of the Lokayukta, the government on Tuesday also drew flak for its decision to rechristen the Manyavar Shri Kanshiram Ji Urdu, Arabic-Persian University, Lucknow as Khwaja Moinuddin Chishti Urdu, Arabic-Persian University. The decision drew an angry response from the Bahujan Samaj Party with party chief Mayawati terming the act as "politically vindictive". In a statement

issued by the party, Mayawati also called the move "undignified and disgusting", adding that the SP government should have opened a new university and given it a name of its choice, instead of renaming a university that was named after BSP founder Kanshi Ram to acknowledge his contribution to UP. She said: "Kanshi Ram's love for Urdu and his knowledge of the language is widely known. Therefore, the SP's decision to rename the university is most "unfortunate" and "condemnable". (Times of India 1/8/12)

Urban development dept has maximum RTI grievances (1)

GANDHINAGAR: Gujarat Information Commission (GIC) in its first year of implementing the Right To Information Act (RTI) received the most appeals and complaints about urban development and housing department. In its first ever report on RTI tabled during a one-day session of the state assembly on July 19, GIC said 36,122 complaints and appeals were received regarding urban development and housing during the year 2006-07. The energy and petrochemicals department was next with 6,268 unsatisfied applicants. There were, however, no complaints and appeals for panchayats, rural housing and rural development. An analysis carried out by GIC points out that against a six month period of 2005-06, after the implementation of the RTI, there was a nine-fold increase in applications the very next year. The numbers had gone up from a mere 8,433 to 76,957. The GIC has observed, "In context of this Act, citizens had high expectations and different types of imaginations. Instead of considering this act as a helping tool, citizens saw this as a sharp edged weapon. Their imaginations, expectations and excitement were therefore, found to have reflected in a large proportion this year (2006-07)." An analysis of statistics from GIC has led to infer that departments and authorities undertaking programmes for the benefit and daily needs of the public, receive the most applications. Referring to the high number of appeals and complaints pertaining to the urban development and housing, the GIC further said that majority of the applicants were satisfied with information furnished as the numbers of subsequent appeals and complaints came down tremendously to 363 and 143 respectively. GIC has also observed, "When the Act came into force in October 2005, officers of the public authorities were not well versed with provisions and ancillary duties. As a result, at different levels, a great deal of ambiguity, concern and to some extent, misunderstandings prevailed. On the other hand, excitement and a feeling of right prevailed among the citizens towards the Act." (Times of India 2/8/12)

Keeping Lokayukta out of RTI ambit would accord protection: NK Mehrotra (1)

LUCKNOW: The UP government's decision to keep the office of Lokayukta outside the ambit of the RTI Act may provide protection to the provisions of the UP Lokayukta Act 1975, instead of weakening it. Similar to the provisions, which exist in states like Karnataka and Madhya Pradesh, even the UP Lokayukta office will not be providing information about the ongoing investigation under the Right to Information Act. The cabinet on Tuesday had decided that the office of the Lokayukta, which operates as an investigating agency, should maintain secrecy while investigating corruption charges levelled against public servants. Providing information about the ongoing investigation could hamper the probe. (Times of India 4/8/12)

Civic body reveals identity of RTI applicant to institutes (1)

MUMBAI: When Vineet Shah, an RTI activist from Bhayander, sought details of educational institutes in the region from the civic education department, little did he know that school and college officials would come knocking on his door with files containing the information he had asked for. On May 15, Shah made an application to the public information officer (PIO) of the Mira Bhayander Municipal Corporation (MBMC), education officer Anil Bagle, seeking the number of educational institutions that had government recognition, whether the schools and colleges had obtained a fire brigade NOC and the last inspection conducted by the education department, among other things. (Times of India 5/8/12)

CIC: Give info on complaints against judges (1)

NEW DELHI: The Central Information Commission (CIC) has asked the CBI to disclose information related to complaints against chief justices of the Supreme Court and High Court. In a separate order, the Commission has also asked the investigating agency to provide details of public officials accused of possessing disproportionate assets and whose sanction for prosecution is pending. The order was in response to multiple RTI applications filed by activist Subhash Agrawal. Agrawal had sought information related to complaints received against chief justices of the High Court and Supreme Court. This is likely to bring up cases related to former CJIs Y K Sabharwal and K G Balakrishnan. Giving CBI 10 days to comply chief information commissioner Satyananda Mishra said that the information should be given to the applicant. In another set of RTI applications, Agrawal wanted to know various details about all the cases registered by the CBI since 1980 against public servants for possessing assets disproportionate to

their known sources of income, the sanctions sought by the CBI for prosecuting public servants under the Prevention of Corruption Act as well as the number of cases registered against public servants under the same Act. The CPIO had replied with the observation that it would be difficult to provide the information for a period of nearly 30 years as it would disproportionately divert the resources of the CBI. The appellate authority had endorsed the CPIO's decision. Mishra said the information should be given within 10 working days with all the available information across its various offices on the disproportionate assets cases for the period for which such data is centrally available. The CPIO was also directed to provide similar information, as available centrally, on all cases of sanctions sought against public servants for prosecution under the Prevention of Corruption Act and the details of all cases registered under that Act against public servants till date. (Times of India 9/8/12)

Opposition leader casts doubt on info panel selection (1)

BHUBANESWAR: Leader of opposition Bhupinder Singh has accused the Naveen Patnaik government of not maintaining transparency in the selection process for the state information commission. This came to light after Singh shot off two letters of protest to the CM recently. As per provision, a three-member panel comprising the chief minister, the leader of opposition and the parliamentary affairs minister is empowered to recommend names for appointment to the commission. Singh himself had to face a public backlash when he had given his approval to the appointment of a retired CMO official, Pramod Mohanty. This time, however, Singh put his foot down a day before a scheduled meeting for recommending another name for appointment in the commission. In a letter dated July 23, Singh questioned the government's attempt to appoint one more member in the commission. "As far as my knowledge goes, no existing member of the state information commission is retiring. The urgency of convening the meeting at this point of time is not known to me," the letter said, suggesting deferring the selection for the time being. The leader of opposition also alleged that the meeting was fixed without his knowledge. "Earlier, my prior consent was taken before fixing the date for such meetings. But no such consultation was made on this occasion," he claimed. Casting doubts over the manner in which names were being put across for the commission, Singh shot off a second letter to Naveen on July 28. "Social activists, intellectuals, academicians, journalists and eminent persons across the country have been demanding effective implementation of the RTI Act. Therefore, it is absolutely essential to adopt transparency in the selection system as the information commissioners with independent, autonomous and quasi-judicial powers will be dispensing justice to the aggrieved persons," he wrote. In this context, the leader of opposition referred to the central government's October 29, 2011, advertisement, inviting applications for selection of the central information commissioner. Singh also claimed that he was kept in the dark on several aspects of the state information commissioner. "Before we meet for recommending the names for the post of the state information commissioner, it would be proper and more appreciable if I am informed about the number of posts to be filled up and the names of the applicants besides the workload of the state information commission," the letter pointed out. He also dropped hints about the poor performance of the commission. "The central information commission has fixed responsibility for each member to dispose of at least 300 cases per month. This same criteria can be adopted in the case of the state information commission," he added. When contacted, Singh defended his opposition to the government's present move. "I am totally against making the information commission a rehabilitation centre," Singh told TOI. The state information commission, created in the backdrop of the Right to Information (RTI) Act, was thought of bringing government and particularly administration closer to the people by making available information concerning governance. But the commission since its inception ironically has always faced public protests for variety of reasons ranging from appointment of commissioners to their slow disposal of cases. Far from meeting the spirit of the RTI Act, the commission has also been criticized for not taking on strongly officials unwilling to share information citing unconvincing reasons. (Times of India 10/8/12)

Govt puts limits on your right to info (1)

New Delhi: Now there is a limit to how many questions you can ask under the right to information law. The government has introduced a 500-word limit for RTI applications under new rules notified last week and decided to make applicants pay for the postage too if the charges exceed Rs. 50. Right to Information Rules, 2012 has been in the works for 21 months that saw civil society accuse the government of curbing its right through the backdoor. Sonia Gandhi-led National Advisory Council (NAC) had taken up negotiations with the government on behalf of the civil society. As part of a compromise formula, the Department of Personnel and Training (DoPT), however, has agreed to give up the move to bar applicants from raising more than one subject. It was part of the same deal that the NAC agreed to the 500-word limit but emphasised that applications exceeding this limit should not be rejected. The July 31 notification, however, does not explicitly incorporate this disclaimer, leaving applicants at the mercy of

government departments. Incidentally, the NAC had declared less than four months ago that the new rules “have been put in abeyance”. But the Prime Minister’s Office – which had been holding on to the file since January – appears to have cleared the restrictions. Maharashtra CM Prithviraj Chavan, who had pushed the original proposal as the central minister in 2010, has implemented a similar set of “retrograde” rules in the state. The new rules also make it mandatory for poorest citizens to produce a BPL certificate every time they seek information to get fee exemption. The only positive news is an enabling provision to let applicants pay online if this facility is available with public authorities. Once this facility is set up when the postal department launches online postal orders, NRIs would be able to use the transparency law. (Hindustan Times 10/8/12)

How to file an RTI application (1)

You can file an application with a Central Public Information Officer (CPIO) or the State Public Information Officer. All the administrative levels of the government will have a CPIO who will give the required information. Write or type an application in English, Hindi or the official language of the state (with a fee of Rs.10). The application should contain the name and address of the applicant. It must be addressed to the Public Information Officer. You can deposit your application fee: In person paying cash or by post through DD/ cheque (to the CPIO). If it's to the State Information Officer, a Rs 10 court fee stamp is needed. A few guidelines: You can use just a normal paper sheet; there is no restriction on the number of pages. The matter can be hand-written, or typed. Be specific and ask to-the-point questions. Avoid questions containing ‘why’. For example, questions like why you failed to pass the bill, is likely to be rejected. Mention the fee payment details at the end of the application. (The Hindu 11/8/12)

Govt puts 500 word limit on RTI pleas (1)

New Delhi: Despite opposition from civil rights activists, the government has put a word limit of 500 words for filing an application under the Right to Information (RTI) Act. An application “shall be accompanied by a fee of Rs 10 and shall ordinarily not contain more than 500 words, excluding annexures, containing address of the Central Public Information Officer and that of the applicant,” the new rules said. Earlier, there was no word limit for seeking information. The rules, however, said “no application shall be rejected on the ground that it contains more than 500 words.” Apart from this, a new format has been devised for filing an appeal to the Central Information Commission (CIC) under the transparency law. The government has also made it mandatory for an appellant or his authorised representative to appear before the CIC either in person or through video-conferencing, according to new rules. According to a notification by the Department of Personnel and Training under the Ministry of Personnel, Public Grievances and Pensions, an applicant will have to pay additional postal charges “involved in supply of information that exceeds Rs 50.” The appeal filed by an aggrieved person has to be accompanied with a copy of the application submitted to the Central Public Information Officer, a copy of reply received, if any, from the CPIO, a copy of the appeal made to the First Appellate Authority, a copy of the order received, if any, from the FAA, copies of other documents relied upon by the appellant and referred to in his appeal and an index of documents referred to in the appeal. “An appeal may be returned to the appellant, if it is not accompanied by the documents as specified,” the rules said. The transparency watchdog can dismiss an appeal after hearing the appellant or recording its reason in case it is not satisfied that it is a fit case to proceed with. (Deccan Herald 13/8/12)

Details of encounters to be provided under RTI (1)

Srinagar: The Jammu and Kashmir State Information Commission (SIC) has directed the police to provide details of all the encounters that took place in the state in the last 21 years sought by an applicant under the Right to Information (RTI) Act within a period of two months. “The Commission is of the view that the reputation of the police, armed and paramilitary forces will get enhanced if this information is made public. Therefore, the Public Information Officer (PIO) police headquarter is directed to provide the information sought by the applicant,” the chief information commissioner G R Sufi, said. However, in view of the magnitude of details to be assembled from every nook and corner of the state, the Commission has relaxed the time limit for 30 days and has asked the PIO to provide the information within two months. Earlier the police had declined to provide information about the encounters that took place in Jammu and Kashmir between 1989 and 2012. In reply to a query under RTI Act filed by a human rights activist, Khurram Parvez, the PIO of the police had said: “The information cannot be supplied as it falls under Section 8(1) a of RTI Act 2009.” Khurram had sought details about the total number of encounters that the police department has recorded across J&K between 1989 and 2012. He had also sought a list of those encounter cases where police investigations later proved the encounters to be fake. After denial of the information by the police, Khurram had claimed that the information sought does not fall within restrictions

contained in Section 8 and 9 of RTI Act, a view upheld by the SIC, "This Commission is of the considered opinion that these provisions are not applicable," reads the decision. "The provisions are meant to ensure that nothing should be done which affects the sovereignty and integrity of India, the security, scientific, strategic or economic interest of the state or lead to incitement of an offence," it added. (Deccan Herald 17/8/12)

Durga temple violating RTI Act provisions? (1)

VIJAYAWADA: There are no signboards in the Kanakadurga temple displaying the names, designations and other particulars of the Public Information Officers which is mandatory under section 4 (1) a and b of the Right to Information Act, 2005, Andhra Pradesh Information Commissioner P. Vijaya Babu has said. Mr. Vijaya Babu who visited the temple and administrative office of the temple Executive Officer on Saturday ordered the temple authorities to put up the boards within 10 days. The Dasara Festival was round the corner and there was no information whatsoever for the public on which officer to approach for information, he said. Appealing to all sections to make the best use of the Right to Information (RTI) Act Mr. Vijaya Babu said there was a lot of confusion about the translation of information provided under the Act. Quoting replies to applicants by the Central Information Commissioner Shailesh Gandhi Mr. Vijaya Babu said that it was the duty of the PIO to provide the information irrespective of language. An earlier order by Information Commissioner O. P. Kejariwal also directed that appellant should be supplied a copy of the original notes and he may get those translated on his own. There was also confusion about the payment of fees for supply of information to below the poverty line (BPL) applicants. Mr. Vijaya Babu said as per the Act there was exemption for BPL applicants only for application fee. Refuting allegations that the RTI Act was not so friendly to the poor, he said, seeking information in bulk would be counter productive to the BPL applicant because it might be difficult to suddenly raise the amount at the rate of Rs. 2 a page that was mandatory under the Act. There were cases where officials realising the disadvantages position of the BPL applicant had replied saying that the information ran into hundreds of pages and it would be made available on payment of the required fees. To avoid such situations the BPL applicants should seek out the information in packages. This was the suggestion given to applicants by seasoned RTI activists, Mr. Vijaya Babu said. (The Hindu 19/8/12)

Hospital authority fined 25K under RTI (1)

MUMBAI: A public information officer (PIO) from the civic-run Sion Hospital was penalized for not providing details sought under the Right to Information Act (RTI). State chief information commissioner Ratnakar Gaikwad fined assistant dean Dr Rakesh Verma Rs 25,000. He also asked the BMC authorities to initiate disciplinary action against deputy dean Umesh Pai, the first appellate authority, who behaved rudely with the RTI applicant Samir Zaveri and even threatened him over the phone. Dr Verma has to pay the fine in five equal installments from his salary and pay off by December 2012. Zaveri had written a letter to the hospital authorities informing them that many railway accident victims were allegedly turned away without treatment. On March this year, he asked the authorities under RTI about the steps being taken following his letter. But, Zaveri was given only incomplete information and told that the rest of the papers could not be provided. However, only when Zaveri threatened to file a police complaint did Verma agree to part with the documents. Zaveri told TOI that Dr Pai called him recently and threatened him and told him that he will not be allowed entry into the hospital premises. Zaveri claimed he had taped the conversation and presented it before Gaikwad. (Times of India 22/8/12)

RTI activists see hope in HC order to appoint 2 more ICs (1)

Vadodara: Acting on a public interest litigation (PIL) on August 14, the Gujarat High Court (HC) directed the state government to appoint two more information commissioners (IC) at the office of the state Chief Information Commissioner (CIC) to clear the piling-up secondary appeals and complaints under the Right to Information Act (RTI). This was not for the first time the HC ordered the state government to fill the vacant posts at CIC office. Since 2005, when the RTI Act came into effect, the office has started functioning with minimal strength, resulting in the number of unresolved cases under RTI having now swelled to 10,080, which RTI activists say include some crucial informations and reflects state government's non-committal attitude towards transparency in governance. With the government now asked to make two additional appointment of the state information commissioner, the strength for the office of the state CIC will go up to five, including the CIC. For the state that started the office with just one CIC in 2005, this will be the highest number so far. "Other states of similar size have six to nine officers to look after appeals and complaints filed under the RTI," Prafull Desai, a senior citizen, whose PIL resulted in the HC directing the government to fill vacant posts, said, adding, "Even in Goa, a relatively smaller state, there are four officers." As per RTI Act, a maximum 10 information commissioners can be

appointed by the government based on the requirements. "The government is not transparent because it has stalled the process of giving information. By keeping inadequate strength of commissioners, the process of giving information is stalled, resulting in a huge number of secondary appeals and complaints under RTI Act pending for five years or more," Desai said. (Indian Express 23/8/12)

RTIs on origin of CBI powers elicit silence (1)

Independence. Yet, Right to Information queries seeking to determine the authority under which the Central Bureau of Investigation was established have elicited no concrete replies for months. A Mumbai-based RTI activist, Anandji Joshi, asked the Maharashtra home department in April if CBI officers have similar powers as police officers. In June, he sought information from the Union home ministry about the law that empowered the Centre to set up and govern CBI. Both the state and the Centre, in "prompt" replies, said they had transferred his queries to the police and later to the CBI for "necessary action". But that was all. The queries, since then, have been shunted around departments. The Union home ministry transferred the application to the CBI headquarters, which in turn forwarded it a month ago to its legal advisors. With them it is still pending. The CBI's website says it functions under the Central department of personnel, pension & public grievances and that its powers of investigation are derived from the Delhi Special Police Establishment (DSPE) Act, 1946. The website adds that the Delhi Special Police Establishment "acquired its popular current name, CBI, through a home ministry resolution of April 1, 1963". The Act allows the CBI to investigate crimes in states subject to the consent of the state government. Mumbai-based advocate S R Chitnis concurred that the CBI was set up under DSPE Act, from which it draws its powers. The Supreme Court, too, in a 2009 judgment stated that the CBI was constituted under the DSPE Act, though "its functioning are multiple". A bench of Justices S B Sinha and M K Sharma said the CBI "acts as an investigating officer. In terms of section 3 of the DSPE Act, FIRs are required to be lodged, for which CBI is an officer in charge of a police station." "Why is it taking the home ministry so long to reply to a simple question and why is it forwarding the query to the CBI?" asked Joshi, who last week wrote to Lok Sabha's public information officer. He filed another RTI application last week with the home ministry to get a copy of the 1963 resolution. "The reason behind the query is to know the source of CBI's powers," said Joshi. The CBI's head office in Mumbai, Tanna House, informed him last month that, since June 2011, RTI Act does not apply to the central investigation agency. Incidentally, a former Mumbai metropolitan magistrate, K Holambe Patil, had similarly questioned the source of CBI's powers in an order in the '80s. Now a lawyer, Holambe-Patil pointed out that Congress leader Manish Tewari had two years ago proposed the Central Bureau of Investigation Bill, 2010, which is still pending. The bill's stated aim and objective was "to provide an appropriate legal architecture" for CBI and to give it "statutory status". (Times of India 27/8/12)

High court doubles penalty for delay in RTI info (1)

SHIMLA: Enhancing the penalty imposed for a 14-day delay in supplying information under the RTI Act, the Himachal Pradesh high court doubled the fine, holding that the state information commission (SIC) did not have any power to impose penalty other than that prescribed under the Right to Information Act, 2005. Allowing the petition of Sanjay Hindwan, a Solan resident, who pleaded his case in person, the division bench of Justice Deepak Gupta and Justice Sanjay Karol observed, "Once the SIC comes to the conclusion that penalty has to be imposed, then the same must be at Rs 250 per day and not at any other rate at the whims and fancy of the commission." The judges noted, "We find no provision in the Act which empowers the commission to either reduce or enhance the penalty." Taking cognizance of an order dated October 29, 2011 for a 14-day delay in disposing of an RTI application by public information officer (PIO)-cum-executive officer, municipal council, Solan, the state chief information commissioner had imposed a penalty of Rs 1,500 to be deposited in the state treasury. Finding itself in agreement with the petitioner, the bench said, "Penalty has to be imposed at rates fixed or no penalty has to be imposed." The question involved in this petition was whether the Central Information Commission or the SIC, as the case may be, has any power to impose penalty other than that prescribed in Section 20 of the Right to Information Act, 2005. For each day of delay in making available the information sought under RTI, the central or the state information commission, under the Act, is empowered to impose a penalty of Rs 250 per day with a caveat that the total amount of penalty should not exceed Rs 25,000. Increasing the penalty imposed on the erring PIO of Solan municipality from Rs 1,500 to Rs 3,500, the court decreed that the balance Rs 2,000 be deposited in the government treasury within two weeks. (Times of India 3/9/12)

One year on, RTI activist yet to get any information (1)

ALLAHABAD: It seems that Right to Information Act holds no relevance for the Allahabad Municipal Corporation authorities, as they employ every tactic in non-dissemination of any type of information. One

of the social activists of the city Ehtesham Rizvi has been asking for certain information from AMC authorities for the past one year, but he has been consistently denied information. Giving his side of the story, Ehtesham Rizvi said, "I have sought information regarding the repair of the roads and lanes in Dariyabad locality, but the officers concerned have consistently adopted dilly dallying attitude and have failed to give any information." He had given application under RTI Act on July 23, 2011 seeking information from the Allahabad Municipal Corporation officers. On August 30, he then wrote to the district magistrate Allahabad, public information commission, Lucknow, municipal commissioner of Allahabad Municipal Corporation through registered posts. The district magistrate Allahabad directed the municipal commissioner to give the information through letter number 12174 dated September 2, 2011. Additional municipal commissioner/ public information officer directed the department concerned through letter number D/278 dated September 13, 2011 to give information. After 60 days, Ehtesham once again wrote to the Public information Office, Lucknow district magistrate Allahabad, and municipal commissioner through registered letter. Additional municipal commissioner directed the chief engineer of Allahabad Municipal Corporation to provide information through letter number D/342/11. However, even after passing of these events the information was not provided to him. It is pertinent to mention that Dariyabad is one of the oldest localities of the city whose roads and lanes are in dilapidated state for the past several years. During Muharram, various religious processions are being taken out to commemorate the martyrdom of Imam Husain and his 72 faithful followers. There is also a historical Tarakeswar temple where puja is being performed. Ehtesham says that though Muharram is being organised and processions are being taken out every year, but the roads of the locality continue to be in dilapidated state for the past several years from 2006 and Allahabad Municipal Corporation authorities have not taken requisite measures for repairing the road. (Times of India 4/9/12)

Activists flay misuse of amended RTI rule (1)

Mumbai: The fear expressed by RTI activists of the possible misinterpretation of the recent amendments to the Right To Information (RTI) rules by the state government has come true. For, the Brihanmumbai Municipal Corporation (BMC), in reply to an RTI application filed by DNA, refused to give info relating to one of its departments, citing Section 3(C) of the Maharashtra RTI (Amendment) Rules, 2012. The RTI application, which was filed with the Gardens department of the BMC, sought the info about the procedure to cut trees in the city, details of security deposit for it along with the claimed and unclaimed amount of security deposit by citizens. Despite the fact that the application concerned itself with only one subject, the public information officer chose to provide the info related only to the procedure involved in cutting down trees, while interpreting the query in a way that its different sections are treated as different subjects. Terming it as a 'classic case' of misinterpretation of the amended rules, RTI activist Gaurang Vora said, "Our fears have come true. The BMC should have disclosed all details sought from it suo motu under Section 4 of the RTI Act, but it chose to employ an evasive tactic and deny the info." Clarifying that as per rule one subject meant the query should be related to one department, another RTI activist Bhaskar Prabhu said, "This only shows that the information officials are not adequately informed about the amended rules, possibly a result of improper training." Agreeing to rectify the error after it was brought to their notice, deputy commissioner Suhas Karvande said complete information will be provided in the case at the earliest. (dna 4/9/12)

Drive to identify hurdles in implementation of RTI Act (1)

New Delhi : The government has decided to carry out an assessment to identify constraints in the implementation of Right to Information (RTI) Act. The Department of Personnel and Training, a nodal agency for implementation of the RTI Act, is carrying out the exercise to consolidate experience of various Central ministries and departments in the implementation of the Act. The programme will gauge success of the Act in various departments, constraints in its implementation, identify the areas which need more attention, address the gap areas and see what needs to be done to help achieve the objectives of the Act, a DoPT official said. Undergraduates, pursuing five-year integrated course in Law, will carry out the assessment through short-term internship programmes, the official said. "After the internship, the interns would submit their reports to the DoPT and concerned ministry or department," the official said. A missive has been sent to all public authorities, including ministries and public sector undertakings, to extend necessary help in carrying out the exercise. The RTI Act, which was enacted in 2005, covers disclosure of information on nearly all matters of governance. (Financial Express 5/9/12)

Protest against RTI rules amendment staged (1)

Jammu: A protest was Sunday held here against the amendment of rules relating to Right to Information, carried out recently by the state government. The protesters, among them various civil society

organisations and supporters of RTI, claimed that the step was taken to weaken the State Information Commission (SIC) and other institutions of transparency. "This is yet another attempt of the state government in curtailing the people's rights. "It showcases the callous and apathetic attitude of the government's top brass besides their adamant nature in making RTI regime and RTI institution toothless after successfully delving at making other vital accountability and transparency institutions defunct," Balvinder Singh, convener of Sangrash RTI movement, one of the participants, alleged. Raising slogans like 'Don't Kill RTI' and 'Don't Push J&K back to Monarchy,' the protesters demanded the revocation of the new rules and asked the state government to strengthen SIC and other institutions of transparency. The government has earlier said it has amended the J&K Right to Information Rules-2010 to remove anomalies in the execution of the Act and bring it at par with the central RTI Act, 2005. (Zee News 9/9/12)

Investigate allegations made by Kejriwal in Coalgate scam: RTI activist

LUCKNOW: Local RTI activist Amitabh Thakur on Sunday petitioned the Central Vigilance Commission to hold a CBI inquiry into the Coalgate scam, based on the allegations levelled by social activist Arvind Kejriwal on social networking site Twitter. In a letter to the CVC, Thakur has written that in the course of the enquiry, the CBI has so far registered five criminal cases, while searches and raids were conducted at 30 locations in 11 cities including Nagpur, Kolkata, Bhilai, Yavatmal, Raipur, Dhanbad, Ranchi, Hyderabad, Mumbai, Delhi (NCR) in early September. Thakur has also said that two days after the raid, Kejriwal made crucial statements--via twitter--about the coal scam in general and on the CBI raids on September 4, 2012, in particular, which raised questions about the CBI raids on coal companies being an eyewash. Kejriwal then also posted a tweet saying he had received a mail from an officer in one of raided companies, which said they had been informed about the raids two days in advance and had been asked "to remove all material." Stating that as an eminent social activist, well-known for his anti-corruption crusades, including his efforts for the promulgation of the Lokpal Act, Kejriwal's statements are of "huge importance because they are related with the integrity and basic reputation of CBI," Thakur has recommended that the veracity of Kejriwal's statements be checked, and made known to the entire Nation. As a serving officer of the Indian Police Service, Thakur has also said making such an enquiry will not have any direct impact on the pace of the investigations being carried out by the CBI and the two can take place simultaneously. (Times of India 9/9/12)

No transparency in source of funds of political parties, reveals RTI (1)

NEW DELHI: Only 11.89 per cent of the Congress income and 22.76 per cent of the BJP income in the 2009-10 and 2010-11 financial year have come from donations received in excess of Rs. 20,000, the two parties have claimed in contribution reports submitted to the Election Commission of India. In a detailed analysis of the Income Tax returns filed and donations received by the political parties, the National Election Watch and the Association for Democratic Reforms have raised several questions on the lack of transparency regarding the source of funds that the parties claimed to have received in the past years. According to the I-T returns filed by various parties and contribution reports submitted to the EC which are accessed by these two organisations through the Right to Information Act, the top five parties with the highest income between 2004-05 and 2010-11 were: the Congress with Rs. 2,008 crore, the BJP - Rs. 994 crore, the BSP - Rs. 484 crore, the CPI(M) - Rs. 417 crore and the SP - Rs. 279 crore. While donations and voluntary contributions accounted for a major source of income, donations from named contributors (those who donated more than Rs.20,000 and are to be mandatorily declared) formed a very small percentage of the total income of the parties. For 2009-10 and 2010-11, while 81 per cent of the BJP's funding accrued from donations (total income: Rs. 426 crore, total donations: Rs. 347 crore), only 22.76 per cent of the total income came from named donors who had contributed over Rs. 20,000. The corresponding figures for the Congress indicate that while donations accounted for only 14.42 per cent of the total income, a mere 11.89 per cent of the total income was from named donors. The Congress has raised Rs. 573 crore of its total income of Rs. 774 crore from 2009 to 2011 through sale of coupons. Interestingly, the BSP, which declared an income of Rs.172 crore for the past two years, said donations accounted for Rs. 99 crore, but stated that it received zero donations over Rs.20,000. The two organisations cited these figures to state that the public could deduce very little on who funded India's political parties. While the CPI declared that 57 per cent of its income from 2009 to 2011 (total income - Rs. 3.41 crore, donation in excess of Rs. 20,000 - Rs. 1.94 crore) came from named donors, the CPI(M) (total income - Rs.149.85 crore, donation over Rs. 20,000 - Rs. 1.93 crore) said only 1.29 per cent of its donations were in excess of Rs.20,000. Among the top donors for the national parties include a number of trusts. The General Electoral Trust has donated Rs. 36.46 crore to the Congress and Rs. 7 crore to the BJP from 2004 to 2011. Electoral Trust made donations of Rs. 9.96 crore to the Congress. A company called Torrent Power Ltd. has donated Rs. 11.85 crore to the Congress, Rs. 10.5 crore to the BJP, and

Rs. 1 crore to the NCP between 2004 and 2011. Sterlite Industries, a subsidiary of the Vedanta group that is listed on the London Stock Exchange, donated Rs. 6 crore to the Congress in 2004-05 and 2009-10 while the Madras Aluminium Company Limited, also a subsidiary of Vedanta, contributed Rs. 3.5 crore to the BJP. The Public and Political Awareness Trust of Vedanta has made an overall contribution of Rs.9.5 crore to the BJP during 2003-04 and 2004-05. According to the National Election Watch and the Association for Democratic Reforms, the other trusts and companies which have made contributions to the political parties include the Bharti Electoral Trust, ITC Limited, Asianet TV Holding Pvt. Ltd., Ambuja Cement Ltd., Harmony Electoral Trust, Mahindra and Mahindra and Larsen and Toubro Ltd. Only five regional parties have regularly filed their contribution reports from 2004-05 to 2010-11 to the EC. Eighteen regional parties have never submitted their contribution reports. (The Hindu 11/9/12)

Rajasthan denies info to RTI pioneer Aruna Roy (1)

JAIPUR: The paradox could not have been bigger. One of the founders of the Right to Information (RTI) Act in the country is having to fight for information herself. National Advisory Council member Aruna Roy recently filed an appeal to the first appellate authority of the administrative reforms department in Rajasthan, in this case the principal secretary of the department, after failing to get proper information on an RTI application filed by her. In her application to the administrative reforms department, Roy has sought information on the appointment of information commissioners (ICs) in Rajasthan. Currently, there is just one Chief Information Commissioner (CIC) in the state and no information commissioners at all. However, the Act provides for the appointment of upto 10 ICs in the state. In the absence of information commissioner, there are nearly 8,000 appeals pending with the commission with a waiting period of at least a year for each appeal. "Well the Act is a great leveler. Not just me, everybody has to face the same plight," Roy joked. But on a serious note she says, "It is a commentary on the plight of RTI in Rajasthan. It speaks of the sorry plight of the state government which has not yet been able to appoint an information commissioner. It is an embarrassing situation." Since the setting up of the information commission in the state in 2006 a CIC as well as a IC was there for only five months. After the retirement of M D Korani as the CIC last year, T Srinivasan — who was the IC — was appointed as the CIC on September 2011, leaving the commission without an IC again. Roy had, in her application, sought the minutes of the meeting of the committee for the appointment of information commissioner and the date of the meeting. She has also appealed on not being provided any information by the state administrative reforms department on her query for details of steps initiated for the appointment of ICs. Significantly, documents provided by the administrative reforms department in response to the application reveals that the last time the committee entrusted with the appointment of the CIC and the ICs in the state met was on August 26, 2010 when Srinivasan's appointment as a CIC was finalized. The committee comprises chief minister Ashok Gehlot, leader of opposition and a cabinet minister. Thereafter, there has been no meeting of the committee nor was any effort initiated for such a meeting. Nothing is being done now for the appointment of ICs in the state, the reply to the RTI application states. The reply also states that Rajasthan is yet to reply to a notice of the Jodhpur bench of the Rajasthan High Court, issued during the hearing of a PIL in July 2012. The PIL was file by a RTI activist Dinesh Bothra who had also pointed out a lot of alleged anomalies of the information commission here. "The non-appointment of ICs has made the commission unconstitutional and goes against the provisions in the Act. The Act states that a person must be provided with information within 48 hours in case the issues pertain to his life or security but here people are having to wait for years. The board hearing the appeals comprises just the CIC and how can just one person constitute a board. Even the appointment of CICs is questionable for until now only retired IAS officers are being appointed when the ACT provides for the appointment of CIC from all sections of the society. Even the Center first advertises for the post once it falls vacant and it is only after that the committee recommends the name," says Bothra. (Times of India 13/9/12)

Information panels should be manned by judicial people: SC (1)

NEW DELHI: The Supreme Court on Thursday held that the Central Information Commission and state information commissions are forums performing quasi—judicial functions and thus these should be manned by people with judicial background. The court said that one of the two members hearing a plea challenging the denial of information has to be from judicial background. The apex court bench of Justice A.K. Patnaik and Justice Swatanter Kumar also suggested to parliament to either rework or amend the provisions of the Right to Information Act, 2005, dealing with the criteria and appointment of the central and state level commission members. Pronouncing the judgement, Justice Swatanter Kumar said the appointment of the judicial members of the CIC would be done in consultation with the Chief Justice of India, and similarly for the state information commissions in consultation with the chief justices of the respective high courts. The court said lawyers with 20 years of experience could also be considered for

appointment to central and state level commissions. The apex court order came on a public interest litigation (PIL) seeking quashing of Clause five of Section 12 and Clauses 5 and six of Section 15 of the RTI Act, prescribing qualifications for the people who are eligible for appointment to central and state information commissions. (The Hindu 14/9/12)

SC's RTI verdict throws up anomaly (1)

NEW DELHI: In an unintended consequence of the Supreme Court judgment on RTI act, a "judicial tribunal" headed by a former Supreme Court judge or high court chief justice will be reporting annually to the executive, which in turn will table that document in the legislature. This statutory mandate under Section 25 of the RTI Act has been overlooked by Thursday's verdict while ordering at least a 50% reservation for retired judges in the information commissions at the Centre and in the states. Section 25 flies in the face of the Supreme Court's proclamation that the information commissions which adjudicate RTI appeals were judicial tribunals rather than "ministerial tribunals". For, had they indeed been envisaged as judicial tribunals, the law would not have required the information commissions to report their performance to the executive and the legislature. While laying down that an information commission will hereafter work in benches, each comprising a judicial member and an expert member, the 107-page verdict called it a judicial tribunal on the ground that it was "part of the court-attached system of administration of justice, unlike a ministerial tribunal which performs functions akin to the machinery of administration". Had it dealt with Section 25, the Supreme Court bench comprising Justices A K Patnaik and Swatanter Kumar would have been hard pressed to explain how a body that is required by the RTI law to report annually to the executive and legislature could be regarded as a judicial tribunal. The attribute of a ministerial tribunal is in fact reinforced by the fact that Section 25 also requires various departments to submit annual reports to information commissions, which in turn are empowered to recommend corrective action to public authorities whose practices did not conform to the "provisions or spirit" of RTI. In holding the information commissions to be judicial tribunals, the Supreme Court also disregarded the spirit of its own judgment delivered last year on whether CBSE could be directed to show answer books under RTI. The bench headed by Justice R V Raveendran directed then that information commissions should monitor the performance of public authorities in carrying out their statutory obligation to make proactive disclosure of information under Section 4 of the RTI Act. Such monitoring responsibility conferred by the Raveendran bench indicated that the information commissions were not seen by it as bodies that would have to be as aloof as courts from executive functioning. The irony is that Justice Patnaik was part of the Raveendran bench as well. In another major omission, the bench failed to take into account that in the laws relating to judicial tribunals such as CAT and TDSAT, Parliament had expressly provided for a judicial member on each bench. The absence of such a provision in RTI showed that the legislative intent was to create an appellate mechanism that was free of judicial complications and therefore more accessible to information seekers. (Times of India 15/9/12)

Court ruling puts some State Information panels in limbo (1)

CHENNAI: A quick survey of the fallout of the Supreme Court order directing that State Information Commissions "henceforth" work on benches of two members each — one of them a 'judicial member' and the other an 'expert member' — has shown that work in some SICs hearing appeals under the Right to Information (RTI) Act has ground to a halt. Other SICs found no barrier to their functioning arising from the order. Hearings on appeals were suspended in Maharashtra, Kerala, Assam and Rajasthan as the SIC sought clarifications, while proceedings were going on uninterrupted at the Commissions in Karnataka, Andhra Pradesh, Tamil Nadu and Uttar Pradesh. The Tamil Nadu SIC said it was functioning effectively as three of the six Information Commissioners had a legal background to handle cases under the RTI Act. Many States reported unfilled Information Commissioner vacancies, and some said it would take time to implement the changes ordered by the Supreme Court. RTI activists were divided over the likely impact of the Supreme Court ruling. One group in West Bengal expressed apprehension that the new procedure would weaken information access for people. West Bengal Information Commission officials said they were "confused" over the recent order of the Supreme Court but maintained that work was going on as usual. In Assam, the Information Commission temporarily suspended hearings in view of the order as the SIC has no judicial member. The Uttar Pradesh State Information Commission was also functioning without interruption. In Odisha, an Information Commissioner, Jagadananda, said he did not face any hurdle while adjudicating cases because of a non-legal background. "The Commission is guided by rules framed in accordance with the Act," he said. (The Hindu 17/9/12)

Political parties under RTI: CIC to decide (1)

New Delhi: Are political parties supposed to reply to applications filed by public under the Right to

Information Act? The question would soon come before the Central Information Commission, which has constituted a full bench comprising Chief Information Commissioner Satyananda Mishra and information commissioners Anna-purna Dixit and M.L. Sharma to probe the issue. Political parties have repeatedly refused to provide information to RTI applicants claiming that they are not public authorities defined under the transparency law hence are not required to set up infrastructure for processing the applications under it or replying to such queries. Following the refusal, RTI activist Subhash Agrawal and Anil Bairwal of Association for Democratic Reforms filed the complaint against political parties before the Central Information Commission. The transparency panel has issued notices to Congress, Nationalist Congress Party, Bhartiya Janata Party, Bahujan Samaj Party, CPI(M), CPI and Election Commission of India to present themselves through their representative before the Commission on September 26, 2012. "Some of the political parties in their replies to the complainants have claimed that they are not a public authority and as such they are not covered under the RTI Act. Since the issues involved are serious and the decision in these cases can have wider implications, the Commission has decided to place these cases before a Full Bench..." the notice said. In his complaint, Mr Agrawal had argued that political parties get cheap land by the Union Government, which is a kind of substantial financing by the Government. "In view of land being made at highly subsidised rates by the Union government, many other facilities at the cost of Union and state governments and other public authorities and regular and election-time facilities provided by Election Commission of India, political parties are to be covered under section 2(h) of RTI Act," he said. (Asian Age 17/9/12)

Information panels reviewing RTI appeals process (1)

CHENNAI: The Supreme Court order last week that set down new rules for Information Commissions hearing Right to Information Act appeals has had a significant effect on their functioning in several States, as a quick survey by The Hindu's Correspondents in different States has found. While some Commissions continue their work, others await clarity. West Bengal Information Commission officials said they were "confused" over the Supreme Court order but maintained that work was going on as usual. State Chief Information Commissioner Sujit Kumar Sarkar said in Kolkata that the Commission was awaiting a directive from the Centre — particularly from the Department of Personnel and Training. In the West Bengal SIC, none of the three Information Commissioners including the Chief Information Commissioner has a judicial background. While the CIC is a retired IPS officer, G.D. Gautama and K.J. Koshy, the two Commissioners, are retired IAS officers. "The implementation of the Supreme Court order is going to take some time as Information Commissioners are appointed by a committee comprising the Chief Minister, Leader of the Opposition and a Cabinet Minister nominated by the Chief Minister," Mr. Sarkar said. One Commissioner said an amendment to the Right to Information Act, 2005 would be required to make way for retired Supreme Court judges to head the Commissions. "As per the RTI Act, the tenure of an Information Commissioner comes to end when he turns 65 or has completed five years of service, whichever is earlier. Supreme Court Judges retire at 65, so they cannot be appointed Chief Information Commissioner unless an amendment is made to the Act," he said. The Court order has drawn a mixed response from RTI activists. Some argue that with judges heading the Information Commissions it will make the bodies neutral and its directives will carry more weight. One group said that with judges heading the Information Commissions, they may end up functioning like judicial tribunals and the objective of making information available to the people through the RTI Act may be lost.... (The Hindu 19/9/12)

Citizens should debate judgement on RTI: Chief Information Commissioner (1)

MUMBAI: Former Chief Information Commissioner Shailesh Gandhi who has contributed significantly towards effective implementation of the Right To Information (RTI) Act in India has urged citizens to come out to discuss and debate the implications of a recent Supreme Court judgement on the transparency act. The apex court on September 13 directed that all information commissions (bodies that hear appeals and settle disputes under the RTI) should have one judicial member and should be benches of two members. Given that many have interpreted the SC judgment to mean that retired chief justices either belonging to any high court or the Supreme Court head the information commissions, it is worth questioning where the country would find so many retired justices at one time. The lack of selection to such posts would then in effect result in vacancies and non-functional information commissions. This in turn would seriously hamper the effectiveness of the information act, as disputes would merely pile up at the commission's doorstep with no one to settle them. Nearly 30 % state commissions have already stalled their operations, estimate RTI watchers. "Citizens must discuss this judgement and request the Supreme Court to apply its mind to this, since it is likely to seriously impinge on the fundamental right of Citizens," said Gandhi, echoing the concerns of many RTI applicants He points out that over 90 countries have access laws now,

of which over 35 of them have Information Commissions. "None of them have a requirement of having judicial members," he states. It is essential that the Centre too intervene and seek a review from the SC in view of the anticipated outcome. Sent from my BlackBerry® smartphone (Times of India 28/9/12)

Passing the buck syndrome hits use of RTI Act (1)

THIRUVANTAPURAM: There is no panacea for passing the buck syndrome, especially among bureaucrats. Chief secretary K Jayakumar knows it better. Despite a directive from him, several department heads in the state government are unwilling to take up the responsibility of public information officers (PIO) and appellate authorities. Instead, they pass the responsibility to the clerical cadre and junior officials. "Senior bureaucrats are shying away from becoming PIOs and appellate authorities because if the information is denied, they are liable for severe penalties under the RTI act. It will also get mentioned in their service record. Moreover, they do not want to pass on sensitive information as it will hurt the political establishment," a senior official said. The reluctance of department heads, however, has not gone down well with RTI activists, who are finding it difficult to get information. They fear that the sunshine act is in the danger of getting diluted in the state. Over 3,500 second appeals and complaints are now pending with the state information commission. A majority of RTI queries deal with basic problems like vague land records and lack of public amenities at village and panchayat level. In departments like Director of Public Instruction (DPI), panchayats, village offices and town planning departments, many designated PIOs are clerks and village assistants while section officers and village superintendents act as appellate authorities. Earlier, the PIO would be not less than an officer in any governed institution and the appellate authority would be in the ranks of a deputy secretary (for instance, district collector would be the appellate authority in the collectorate). "This downgrading has affected the effectiveness of the RTI act. These PIOs are not aware of the nuances of the act and many fear that they may be harassed by their superiors if they provide sensitive information," state information commissioner M N Gunavardhanan told TOI. The state information commission had asked the government to look into the matter. "The state chief secretary, taking cognizance of the letter, sent a circular to all departments to take up the matter and appoint appropriate public information officers," a senior commission official said. The directive is yet to yield any positive result. Officials said that this was one reason why second appeals and complaints had been piling before the state commission. Former central information commissioner Shailesh Gandhi said though the RTI act does not stipulate the rank of the designated PIOs, it is logical that the state governments appoint officers as PIOs and senior officers as appellate authority, considering the seriousness of the act. "The Delhi government, for instance, have appointed only officers as PIOs," Gandhi said. RTI activist D B Binu said the trend of passing the responsibility down to junior officials began a year ago, so that RTI queries can be rejected even at the village and panchayat level where there is greater corruption. "In one of my RTI queries addressed to the governor asking for assets of MLAs, the PIO was a speech writer for the governor who was later penalised by the information commission for denying the information," he said. (Times of India 30/9/12)

Whistleblower faces threat to life, runs for cover (1)

Nagendra Jaiswal, 67, a noted RTI activist has been forced to leave the district, fearing a threat to his life. The pressure on him to cease his relentless pursuit of facts pertaining to alleged scam worth crores and involving the Motihari civic body, district board, DRDA, PHED and education department of the district, increased, especially after he filed a PIL in the Patna high court recently. "I have filed a PIL challenging the order of the state information commission authorities, which did not pay heed to my appeals in dozens of matters and thus indirectly benefited those involved in corruption," said Jaiswal over the phone. "The court served notices to the director general of police (DGP) and the state vigilance department. The guilty fear, that they are about to be caught and the several scams would be out in the open. That's why, many officials, who had earlier tried to cut a deal with me and failed, are now contemplating to eliminate me," he alleged. Jaiswal claimed, he had exposed several irregularities through RTI and had sent over 1,500 applications to several departments in connection with irregularities in government schemes and developmental works in the district. "I will remain underground till the judgment of the high court is passed and the corrupt are sent behind the bars." When asked, whether he had informed any government official about the threat to his life, he said no top official would help him because most of them might be convicted by the court. "Evidence provided on the basis of information under the RTI is enough to fry them," he added. So far, a fine of R2 lakh had been imposed on top officials, including a former district magistrate (DM), subdivisional officer, district supply officer and officer on duty, he said. "The DM and other officials also tried to suppress the issue by offering me a deal," he claimed. Jaiswal has also raised issues over illegal slaughter houses running in the city for the last 85 years without acquiring proper permission and corruption in issuance of licences for producing and selling crackers as per the RTI.

"These cases are subjudice," he said, adding that in these cases, the officials had initially tried to mislead him with vague information. Meanwhile, on the instruction of chief minister Nitish Kumar, the vigilance department has initiated an investigation into corruption charges against Motihari Nagar Parishad authorities. (Hindustan Times 1/10/12)

RTI activist questions Modi's claim about money spent on Sonia (1)

New Delhi: Right to Information (RTI) activist Ramesh Verma today questioned Gujarat Chief Minister Narendra Modi's claim that Rs. 1880 crore were spent from state exchequer for UPA chairperson Sonia Gandhi's foreign trips. Mentioning the government's response to an RTI application filed by a youth from Hisar in Haryana, Modi alleged at a rally in Rajkot that the Centre has spent Rs. 1,880 crore on Congress President Sonia Gandhi's foreign trips. "The figures Mr Modi has given today is Rs 1800 crore. The government has not given any response to it. I never got any such information from the RTI I had filed. I have not got any figure of Rs 1800 crore. I don't know where Mr Modi is referring to it", Verma said from Hisar. "I can say that that I haven't got any figure of Rs 1800 crore because I haven't received any information...", he added. He claimed he was never contacted by Modi. "The figures that I have I had obtained through the Foreign Ministry or the Ambassadors that the Ambassadors have spent on Sonia Gandhi's tours at their level", he said. (Zee News 2/10/12)

Gujarat government has not given information on Narendra Modi's travel: RTI activist (1)

Ahmedabad: In a dramatic twist to Gujarat Chief Minister Narendra Modi's attack on Congress president Sonia Gandhi for her travel expenses, a Vadodara-based Right to Information (RTI) activist, Trupti Shah, has now come out and said that the Modi government has still not responded to her application seeking details of expenses on Mr Modi's travels to attend several conferences in 2007. She has sent a letter to the Gujarat Chief Minister saying information about his and his Cabinet colleagues' travel-related expenses during 'women empowerment sammelans (seminar)' had not been provided till date. "I had asked under the RTI Act for the expenses of the Women's Empowerment Seminar that in the name of women empowerment, why are they having this seminar? But the Chief Minister's office has not replied to any of my queries regarding the expenses," she told NDTV today. 3:39 Gujarat government has not given information on Modi's travel: RTI activist Ms Shah alleged she was denied the information even after repeated reminders. "Chief Minister Modi travelled to 27 places by helicopter but there is no mention of this in the government expenses," she said. The letter comes in the wake of Mr Modi seeking answers from the Prime Minister's Office regarding Congress president Sonia Gandhi's trips abroad which, he alleged, have cost the exchequer Rs. 1880 crore. Ms Shah said the state's General Administrative Department (GAD), in a letter dated November 1, 2007, provided the list of 27 places visited by Mr Modi from March 10, 2007 to September 20, 2007. But regarding the travelling expenses, the letter stated "the office of the Chief Minister did not mention the travelling expenses and so the CM's travelling expenses may be considered nil." This, the activist alleged, is "ridiculous" and "unbelievable" because Mr Modi had travelled to most of the 27 places by helicopter. Ms Shah then shot off a letter on November 20, 2007 seeking details about the names of agencies that bore the expenditure. When her letter didn't elicit a response from the GAD, she sent a reminder on January 18, 2008 and again on April 17, 2008 but she did not get any reply, she alleged. After failing to get the required information, Ms Shah filed a complaint under the RTI Act before the Chief Information Commissioner (CIC) of Gujarat. In the last hearing on September 26, 2012, the CIC directed the GAD to hand over the relevant information to Shah before the next hearing in October. The officer concerned said the information was not available though they have requested the CMO and other ministers to provide it, Ms Shah said. (ndtv 3/10/12)

Information on former CVC hidden, alleges RTI activist (1)

NEW DELHI: Right to Information (RTI) activist Subhash Chandra Agrawal says there is something suspicious about why the Cabinet Secretariat is not divulging the full biodata of former Central Vigilance Commissioner (CVC) Polayil Joseph Thomas, and other details about him that were placed before the high power committee headed by Prime Minister Manmohan Singh. Mr. Agrawal, who had sought these details and filed an appeal against the order of the Chief Public Information Officer (CPIO) of the Cabinet Secretariat before the Appellate Authority, alleged in his latest petition that some rules were amended to select the 1973 Kerala cadre IAS officer as the CVC. Similarly, information about Mr. Thomas' service in the Kerala government as the Food Secretary during 1991-93, when he was included as one of the accused in the palmolein oil import scam, was also not provided, said the RTI activist. According to Mr. Agrawal, the present CPIO of the Cabinet Secretariat, as per the directions of the Chief Information Commissioner, revisited the entire RTI query posed by him on Mr. Thomas' appointment and issued an order on September 27, 2012. But the CPIO had not given the complete information he had sought for,

the activist said, adding something had been "hidden." At the meeting of the high power committee to select the new CVC, committee member and the Leader of the Opposition in the Lok Sabha, Sushma Swaraj, recorded her objection to the appointment of Mr. Thomas to the post. She had written: "I disagree" in the file. Home Minister P. Chidambaram was the other member of the committee at that time. It may be recalled that on March 2, 2011 the Supreme Court quashed the appointment of Mr. Thomas as the CVC. A Bench of then Chief Justice S.H. Kapadia and Justices K.S. Radhakrishnan and Swatanter Kumar set aside his appointment, acting on some writ petitions. And within hours of the judgment, Mr. Thomas resigned. Justice Kapadia, who wrote the judgment, held the high power committee's decision as invalid and pointed out that as of date, Mr. Thomas was accused No. 8 in the Kerala palmolein case pending in the Court of a Special Judge, Thiruvananthapuram, for offences under Section 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 and under Section 120B (conspiracy) of the Indian Penal Code. The Bench, quoting an earlier judgment, said eligibility criteria would indicate that eligible persons should be without any blemish and should not be appointed merely because they were eligible to be considered for the post. (The Hindu 3/10/12)

Sonia didn't claim medical bills: CIC (1)

NEW DELHI: Congress president Sonia Gandhi did not seek any reimbursement of medical expenses from the government, the Central Information Commission had said in May, even as Gujarat chief minister Narendra Modi claimed that Sonia spent Rs 1,880 crore on travel and medical expenses from the public exchequer. During the hearing before chief information commissioner Satyananda Mishra in May, various ministries had held that no medical bills were submitted by Sonia for reimbursement. "From the submissions made by the respondents, it was quite clear that neither any reimbursement for any such expenditure had been claimed by the individual concerned from these public authorities nor any expenditure made in this regard. In other words, till now, the government has incurred no expenditure in this regard," Mishra held in his order dated May 3. He said that in any case, the expenditure made by an individual on her treatment, in India or abroad, was private information and could not be subject matter of an RTI application. The matter assumes significance following the war of words between Modi and Congress on the expenditure incurred on Sonia's treatment. Addressing a rally at Jesar on Monday, Modi had targeted the Congress president by claiming that Rs 1,880 crore was spent from the public exchequer on her foreign trips. He later offered to apologize if what he said was wrong. The allegations were refuted by Congress leader Digvijay Singh, who said the incident "establishes the motive of BJP and Narendra Modi, their malafide cheap intentions. They want to politicize even an issue like health". Meanwhile, the debate has left RTI activists divided on whether the information should be made public or not. Former chief information commissioner Wajahat Habibullah said that in case specific details about spending by Sonia were sought, this could constitute third party information and be exempt under Section 8. (Times of India 4/10/12)

Governments ignoring RTI Act: P.C. Thomas (1)

Kannur: Alleging that the Union and State governments were disregarding the Right to Information (RTI) Act, Kerala Congress leader P.C. Thomas said that the recent statement by Chief Information Commissioner Sibi Mathews that officers of junior ranks were being deputed to hear appeals against officers who had failed in divulging information under the Act should be taken seriously. Speaking to reporters at a press meet here on Saturday, Mr. Thomas said that this amounted to thwarting the people's right to know. With reference to the hike in the prices of petrol, diesel, kerosene and liquefied petroleum gas, Mr. Thomas said that no queries about the financial accounts of the oil companies had been answered by the Ministry or the oil companies. The companies were showing false losses under the title 'under recovery loss,' he alleged. He said that he had filed a case in the High Court in his capacity as the chairman of the Kerala Congress against the hike in fuel prices. Terming the report of the Madhav Gadgil committee impractical for the State, Mr. Thomas said that as per the report 14 taluks in the State, including four in Idukki district, came under the ecologically fragile zone. (The Hindu 7/10/12)

Disclose grading of confidential reports during promotion: CIC (1)

New Delhi: The relative grading of officers' annual confidential reports (ACRs) during their promotion is not personal information and should be made public, the Central Information Commission has held, reports PTT. Chief Information Commissioner Satyananda Mishra said although the annual confidential reports or ACRs of an officer are personal information which should be disclosed only to him or her, its relative grading during promotion process should be made public. "Since the relative grading of the ACRs is the basis for recommending a certain officer for promotion, this needs to be disclosed just as the caste certificate of a public servant needs to be disclosed since that serves as the basis for his appointment to

the government service," Mishra said. The case relates to an RTI application filed by Madhu Khare of Bhopal who sought to know from the Union Public Service Commission (UPSC) the grading chart of select list of 2001-02 for promotion from Madhya Pradesh Administrative Service to Indian Administrative Services (IAS). The UPSC objected to disclosure of the chart claiming that it contained the grading based on the ACRs and to that extent, the disclosure of this information would amount to the disclosure of personal information of other officers. "In the present case, the appellant had not sought the copies of the ACRs. She has only wanted to know the manner in which the Departmental Promotion Committee (DPC) evaluated and assessed the individual ACRs of the officers and arrived at the grading in each case," Mishra said. He said mere disclosure of the final relative grading will not help. "Without the entire chart showing the complete assessment of every officer, it will not be clear how the officers have been assessed in a related matrix," he said. Mishra said it is without doubt that the relative grading of the ACRs is an important input in the final decision of the DPC in recommending some officers for promotion while leaving out others. "As held by us in several similar cases in the past, in any examination or evaluation process, certain details about the successful or recommended candidates must be disclosed in order to ensure transparency in the selection process," the CIC said. He said therefor the relative grading of the ACRs "no longer remains personal information" and should be disclosed as it forms the very basis for the promotion of an individual officer. "In the light of the above, we are of the view that the desired information, namely, the complete chart of the grading of the ACRs of the officers as assessed and evaluated by the DPC and recommended for promotion must be disclosed," the Chief Information Commissioner said. (Moneylife 8.10.12)

Tamil Nadu State Information Commission members use red beacon lights illegally' (1)

CHENNAI: Are state information commissioners entitled to red beacon light on their cars? No, say RTI activists in the city and allege that members of the Tamil Nadu State Information Commission (SIC) are flouting this rule. Activists say only 19 categories of dignitaries can use red beacons and SIC members is not in the list. V Gopalakrishnan, a city based RTI activist, said: "I brought this issue to the traffic police but no action has been taken. It is clear that the SIC members are not following the orders of Madras high court and state government. Then how can they impose a penalty on other public information officers?" Countering this, state chief information commissioner K S Sripathi said: "According to the RTI act, the post of information commissioner is equal to that of chief secretary who is eligible to use a red beacon on his car. So there is nothing wrong in information commissioners using red beacon on their cars." Gopalakrishnan, however, said: "As long as the rule does not permit it, information commissioners cannot use red beacon on cars." A source in the Central Information Commission said chief information central commissioner Satyananda Mishra didn't use a red beacon on his car. "He is entitled to it but refused," said the source. According to the rules, red beacon lights on cars are to be used by the Governor, chief minister, deputy chief minister, high court chief justice, high court judges, legislative assembly speaker, cabinet ministers, leader of the opposition, state ministers, advocate-general, chief secretary, director-general of police, chairman of the legislative council, state election commissioner, lok ayukta, chairman of the advisory board constituted under the NSA and under the Tamil Nadu Act 14 of 1982 (Goondas Act), the Nawab of Arcot and pilot and escort vehicles. But many in the state, including IAS officers, politicians and university vice-chancellors, flout this rule with impunity. A RTI filed by TOI revealed no action has been taken against such persons in the last ten years. In March, the Madras high court directed police to seize vehicles using red beacons without authorization on the basis of a public interest litigation petition filed by a Coimbatore-based advocate. (Times of India 9/10/12)

Statistical cell to help BMC clear RTI pleas faster (1)

Mumbai: Facing criticism of not having compiled data or figures in any department, municipal commissioner Sitaram Kunte has decided to start a dedicated statistical cell. Civic sources claimed that all information will be first compiled and then uploaded on the civic body's official website. "Whatever the civic administration does — from recruitment to establishment expenditure, new projects to capital cost — and even the past records and figures will be uploaded on the BMC website. This will not only bring transparency in the system, but also reduce the number of RTI applications demanding data. Citizens can access all the information from the website," said a senior civic official. At present, the Brihanmumbai Municipal Corporation (BMC) cannot provide information to even a Right to Information application seeking any details or data as most of the departments do not have compiled records. Kunte had recently held a closed-door meeting of all senior civic officials and discussed about formation of the new cell. The additional municipal commissioners concerned and head of the departments are expected to start work on compiling data at the department level. "Each department will have to identify the staff for this work. It may be time-consuming and taxing, but will help in smooth functioning of administration in future," said

another senior official. The new department will have a core team, mostly graduates from economics–statistics, that will compile all data, which will then be forwarded by various departments. The statistical data cell will have the information recorded in a systematic manner for use (DNA 10/10/12)

Don't just pass resolutions on RTI, former CIC Wajahat Habibullah tells activist (1)

New Delhi: State information commissions need to work together to strengthen the Right to Information Act, as passing resolutions will not help, said Wajahat Habibullah chairperson of the National Commission on Minorities and former Chief Information Commissioner. Addressing a public hearing on implementation and issues on RTI on Thursday, Habibullah said: "Unless Section 4 of the Act is implemented effectively, which will obligate the government to educate the public about their rights and entitlements, the number of pendency cases will not decrease." The National Campaign for People's Right to Information (NCPRI) had organised the hearing on the 7th anniversary of Right to Information Act. As many as 400 RTI users from 16 states and officials from state and central information commissions were present. Central Information Commissioner, Deepak Sandhu said she will hold a 10-day meeting in December with state commissions to monitor the compliance of public authorities with the orders of the commission. "We will upload the dates soon on the website. Also, we need to increase the number of commissioners and support staff to deal with pendency issue without affecting the quality of commission's orders," she said. Commenting on the recent Supreme Court judgment for amendments in the RTI Act, Sandhu asked RTI users and activists to defend the 'simplicity of the procedures laid down in the existing RTI Act' rather than complicating it with legal processes and formalities. Shailesh Gandhi former commissioner added that this judgment will exacerbate the problem of pendency. "Today, if five information commissioners are able to dispose of 15,000 cases every year, the Supreme Court's judgment will reduce the disposal rate to less than 25 per cent of current capacity." Activist Aruna Roy suggested that a citizens committee comprising people interested in better governance rather than those with political interest, appointed by the commission, should be formed. Kamal Tank from RTI Manch in Jaipur informed that 9,500 cases were pending in Rajasthan's state information commission, while Pradip Pradhan, RTI activist from Orissa highlighted that 8,000 cases are pending with the Orissa commission. Even states like Jammu and Kashmir, Maharashtra, Karnataka and Rajasthan among others face pendency issues. NCPRI's Anjali Bhardwaj pointed out that even the Central Information Commission has 28,000 pending cases. Resolutions were passed to focus on better norms for functioning of information commissions, a mechanism for time bound disposal of cases and no case be disposed of until a penalty is levied on information officers if they fail to reply to the RTI's within 30 days as cases have been pending for two to four years in several states. (Deccan Herald 12/10/12)

RTI should be circumscribed if it encroaches on privacy: PM (1)

New Delhi: Voicing concern over frivolous and vexatious use of RTI Act, Prime Minister Manmohan Singh on Friday said the citizens' right to know should definitely be circumscribed if it encroaches on an individual's privacy. "There is a fine balance required to be maintained between the right to information and the right to privacy, which stems out of the fundamental right to life and liberty. The citizens' right to know should definitely be circumscribed if disclosure of information encroaches upon someone's personal privacy. But where to draw the line is a complicated question," he said. Addressing the seventh Convention of Central Information Commissioners, the Prime Minister said, "There are concerns about frivolous and vexatious use of the Act in demanding information disclosure of which cannot possibly serve any public purpose." Singh said such queries besides serving little productive purpose are also a drain on the resources of public authorities, diverting precious man-hours that could be put to better use. PTI (The Hindu 13/10/12)

PIO penalised for not providing information under RTI Act (1)

GULBARGA: The Karnataka Information Commission (KIC) has imposed a penalty of Rs. 5,000 on Suresh Babaladi, Public Information Officer (PIO) and Chief Officer of the Chincholi Town Panchayat in Gulbarga district, for his failure to provide information sought under the Right to Information (RTI) Act. State Information Commissioner Shekhar D. Sajjanar took serious exception to Mr. Babaladi's failure to respond to three show-cause notices served by KIC. He directed the zilla panchayat Chief Executive Officer to deduct the penalty from Mr. Babaladi's salary and credit it to the State treasury. Disposing of an appeal filed by RTI activist Sheikh Shafi Ahmed, Mr. Sajjanar, in his order pronounced on September 2, directed Mr. Babaladi to provide the information sought by Mr. Ahmed within 30 days for free through registered post. The Public Information Officer was also directed to inform the commission about the action taken along with a copy of the postal acknowledgement for having sent the information to Mr. Ahmed. Mr. Ahmed filed an application on January 29, 2011 with the Chief Officer of the Chincholi Town

Panchayat seeking details about a road between Ambedkar Circle and Padma College in Chincholi town that was in a bad condition. Mr. Ahmed wanted to know whether the road was being repaired. Mr. Ahmed also sought other details, such as when the road was last repaired, and the expenditure incurred during those repairs. However, Mr. Balabadi did not provide any details, forcing Mr. Ahmed to file the first appeal before the Project Director of the Rural Development Cell Gulbarga, who was the First Appellate authority on March 7, 2011. However, the first appeal went unheeded and no answer was provided to Mr. Ahmed. This incident forced Mr. Ahmed to file a second appeal before the Karnataka Information Commission on May 30 seeking action against both the Public Information Officer and the first Appellate Authority for failing to respond to his application made under the provisions of the RTI. (The Hindu 14/10/12)

Govt to review implementation of RTI (1)

New Delhi: The Centre will review implementation of the Right to Information Act in all its departments in order for effective functioning of the transparency law. The Department of Personnel and Training, the nodal department for the implementation of the RTI Act, has written to national law universities seeking volunteers to undertake a short-term internships by undergraduates pursuing five-year integrated course to conduct analysis. "This will help the ministry or department consolidate and document its experience in the implementation of RTI, its success and constraints in implementation, identify the areas which need more attention, address the gap areas and suggest what more needs to be done to help achieve the objectives of the Act," the guidelines issued by DoPT yesterday said. The internship is being offered to analyse a sample of the RTI applications received in 2011-2012 by select public authorities. "The analysis of the applications would aim to get an overall picture of the applications received and do an in-depth study of the information sought and the response by the Central Public Information Officer/Public Authority," it said. A missive has been sent to all public authorities, including ministries and public sector undertakings, to extend necessary help in carrying out the exercise. The RTI Act, which was enacted in 2005, covers disclosure of information on nearly all matters of governance. (Deccan Herald 16/10/12)

Stir planned against 'possible dilution' of RTI Act (1)

NEW DELHI: Civil society activists have decided to launch a nationwide campaign in case there are attempts by the Government to dilute the Right to Information Act, 2005. Prime Minister Manmohan Singh, while inaugurating the 7th annual convention of the Central Information Commission on Friday, had cautioned against misuse of the transparency law and suggested "the citizens' right to know should definitely be circumscribed if disclosure of information encroaches upon someone's personal privacy". Activists like Aruna Roy and Nikhil Dey, who had actively pushed for the legislation in 2005, said on the anniversary they expected the Prime Minister to call for a more "energetic and vibrant RTI regime" but "what the Prime Minister actually spoke has disturbing implications for the overall implementation of the Act on the ground". Arguing that with the Prime Minister's views on issues like the RTI Act vis-à-vis public-private partnership (PPP) "frivolous" queries and the "possible infringement" of personal privacy could strengthen those who wanted to "dilute and weaken the Act", Mr. Dey said the RTI activists will take this to every State and create pressure from the public against any possible dilution of the Act. "On the occasion of the 7th anniversary of the RTI Act we have decided to raise a country-wide debate on the way it is being implemented, focusing on the problems the transparency law faces on the ground. After what the Prime Minister talked about, it will also be a part of our nationwide campaign to create pressure on the Government," he said. Ms. Roy of the National Campaign for People's Right to Information said the transparency law has been one of the most monitored Acts from the people's side which will not tolerate its weakening. The activists also issued a statement with a point-by-point rebuttal of the Prime Minister's arguments on the Act. Countering his view that blanket extension of the law to PPP bodies may "discourage" private enterprises from entering into partnerships with the public sector entity, they said "the PPP is a ploy by the Government to escape its responsibilities and accountability. If anything, PPP should have greater standards of transparency and accountability because a public service is being entrusted into the hands of a private body. We see no justification for this suggestion." Countering the Prime Minister's argument that "frivolous" RTI applications don't serve any "productive social purpose", they said terms like frivolous and vexatious are "undefinable and arbitrary". "Any application can be termed 'vexatious and frivolous' as per the whim and fancy of a PIO. The law has adequate provisions under Section 8 to reject applications that are not legitimate." On the issue of privacy, the activists said the Prime Minister had neither elaborated why the provisions of the law were inadequate nor cited a case in which personal privacy had been infringed because of the RTI Act. While agreeing with the Prime Minister that the RTI Act should not be taken as an "irritant but something that is good for all collectively", they argued "the fact of the matter is the areas of concerns outlined by the Prime Minister and potential proposed changes will promote just the opposite". (The Hindu 16/10/12)

Post-RTI, buzz now is privacy law (1)

New Delhi: An expert group has suggested a law to protect privacy of citizens, recommending that both government and private sector organisations should be covered by the proposed legislation, being drafted by the Department of Personnel and Training. Suggesting a "conceptual framework" for the proposed legislation to the Planning Commission on Thursday, the group recommended that right to privacy should be extended to individuals, except in cases of national security, public order and prevention, detection, investigation and prosecution of criminal offences. Disclosure of information should be made only when it is in public interest. Protection of an individual or rights and freedom of others may also be considered an exception to the application of the proposed right to privacy law, the group headed by former Chief Justice of Delhi High Court A P Shah said. The ambit of the privacy legislation should extend to data being processed in India, and data that originated in India, even when it is transferred internationally. The violation of the proposed law should constitute an offence and penalty be imposed on the violator, it recommended but did not quantify the amount of penalty. Prime Minister Manmohan Singh had recently called for maintaining a "fine balance" between the Right to Information (RTI) Act and the Right to Privacy. He also said the citizens' right to know should definitely be circumscribed if disclosure of information encroached upon someone's personal privacy. This came in the wake of RTI activist Arvind Kejriwal's accusations against the dealings of the company owned by Robert Vadra with housing major DLF and Union Ministers including P Chidambaram terming the dealings as "an issue between two private individuals." While releasing the report, Justice Shah noted that protection of the right to privacy guaranteed under the Constitution was a major concern with the initiation of programmes like Unique Identification number, NATGRID and DNA profiling, most of which will be implemented through the communication and information technology in the country. To ensure protection of right to privacy of individuals, the panel outlined nine "national privacy principals" for collection, processing, storage, access retention, destruction and maintaining anonymity of the information collected about an individual. Under these principals, a data (information) controller will be required to give simple information to all individuals in clear and concise words before collection of any personal information about them. The individuals will also be given choice with regard to providing personal information. So far telephones were tapped by an executive order. The panel has recommended that under emergency situation, telephone of an individual could be tapped by an executive order just for first 15 days. The authorities will have to seek a court order for continuing further tapping of telephone of an individual, Justice Shah said. After personal information has been used in accordance with the identified purpose, it should be destroyed. Data retention mandates by the government should be in compliance with the national privacy principals, the report said. Justice Shah, however, clarified that recommendations his committee for formulation of the proposed legislation would not come in conflict with the Right to Information Act, saying, "RTI also recognizes right to privacy." The privacy Act should not circumscribe the Right to Information Act. Additionally, RTI recipients should not be considered a data controller, the panel categorically said in its report. (Deccan Herald 18/10/12)

'Attempts' to weaken RTI Act decried (1)

KHAMMAM: Magsaysay award winner Sandeep Pandey expressed serious concern over the "attempts" to weaken the Right to Information (RTI) Act and called for appropriate steps to strengthen it. Mr. Pandey was on a brief visit to the town on Thursday in connection with a programme organised by the district unit of United Forum for RTI campaign here. Later, speaking to media persons Mr. Pandey said the very introduction of the RTI Act says that there is corruption in the country and that the Act has been made to check corruption. (The Hindu 19/10/12)

Digvijay Singh warns against diluting of RTI Act (1)

NEW DELHI: Amid growing clamour in Congress that misuse of the Right to Information (RTI) Act was responsible for its corruption woes, party leader Digvijay Singh has warned against dilution of the transparency law, saying it was necessary to cleanse the system. Five days after Prime Minister Manmohan Singh hinted at the need for review of RTI, Singh said the calls for dilution have existed since its promulgation but do not find favour with the Congress chief. "You have to give credit to Sonia Gandhi who refused to accept the watering down of RTI in spite of the pressure from government," he told TOI. Singh said the information law was a catalyst in the avalanche of charges against public personalities, a view shared by large section of ruling camp. UPA ministers have protested the plethora of scams like 2G on the RTI, arguing that blanket access to information was scaring officials in taking decisions. Singh last week highlighted that breach of privacy and vexatious requests were negative offshoots of transparency law, a remark seen as reflecting the anger over attacks on land deals between Robert Vadra and realty giant DLF. However, the Congress general secretary said the concern over

misuse did not merit dilution of RTI. "There is no need to water down RTI. Transparency is important," he said, adding it created a deterrent against wrongdoing by officials and politicians. RTI has been the flagship legislation of ruling alliance bearing Sonia Gandhi's imprimatur. However, over two UPA tenures, it has emerged as bugbear of administration, with civil society and political rivals using it to unearth scams. In fact, all the scams — be it 2G or CWG or Coalgate — were triggered by documents accessed via RTI. The PM's loud thinking about revisiting the law underscored that patience in government was running out. Singh said information law had raised the awareness level among citizens which resulted in greater resonance of graft allegations. "Economic liberalization in the era of RTI, 24x7 news channels and aggressive print media, those in government and public life have to be careful about what they do and say," he said, suggesting that greater caution was better than curbing information. The outspoken leader said all political parties were vulnerable in the changed times. "But transparency is good, action against wrongdoing is good, it will act as deterrent against corruption. And for this, you have to give credit to the UPA," he added. (Times of India 19/10/12)

UP State Information Commission slaps Rs 25k fine on info officer (1)

LUCKNOW: Scant regard for UP State Information Commission's order in the government departments is evident from the case of UP State Agro Industrial Corporation Ltd. The UPSIC has slapped a fine of Rs 25,000 on the public information officer (PIO) of the corporation for not providing information to right to information applicant Akhand Bharat Samrat even after five hearings conducted by the commission in the matter. The applicant on September 28, 2010, had sought information about purchase of computers and appointment of doctors from the corporation. After failing to get the information, he filed an appeal with the commission. In the five hearings conducted by the commission in the case, the PIO never made an appearance. (Times of India 22/10/12)

RTI misused to fleece builders? (1)

THANE: Municipal commissioner RA Rajeev's decision to suspend an executive engineer in the town planning department last week has exposed the nexus between officials and "professional complainants" who misuse the RTI law for extortion and harassment. The alleged "criminal conduit" between executive engineer Ajit Karnik and a local RTI activist Mukesh Kanakia was exposed after the technocrat reportedly asked a Naupada-based doctor to pay Rs 2.75 lakh to Kanakia to get him to withdraw his complaint about a nursing home being set up in a residential flat here. "It is a case of collusion. As an executive engineer Karnik is tasked with the key role of scrutinizing building plans, verifying legal papers and recommending sanctions for construction projects. He choose to be a go-between Kanakia and the doctor for which he would get his share of the money, He has betrayed the trust by stooping to such low levels of mediating in corrupt practices," a bureaucrat said. The episode, however, has opened a Pandora's Box of the goings-on in the town planning department here which has been accused of being the hotbed of corruption in the Thane corporation. Observers here said such "profit-motivated activism" misusing the RTI law has become a reality backed with the active support and involvement of civic officials here. "There are habitual complainants here who file Right To Information applications seeking specific details about a building plan or the modified building plans. "Without the involvement of a department insider it is difficult for people to point out loopholes. "The architect or a builder is informed by the town planning staff about the RTI concerning his project and ask him to silence the complainant by paying him to withdraw his complaint. It is a major racket here," an official said on condition of anonymity. Explaining the modus operandi of so-called RTI activist, an official said most of the complaints in the town planning department are related to projects which are underway either without a commencement certificate (CC) or without waiting for a plinth certificate (PC). "These are procedural irregularities and it involves a fine. But only those who are familiar with town plans know these irregularities. A significant number of buildings in Thane do not have an occupation certificate (OC) and RTI queries are made in specific cases seeking a status report about the OCs and the intention here is to make the builders pay," the official said. (Times of India 23/10/12)

CIC tells DoPT not to split RTI queries (1)

New Delhi: The Central Information Commission (CIC) has suggested that the Department of Personnel and Training (DoPT), the nodal ministry to frame RTI rules, to refrain from splitting the queries made in one application and instead prepare response after compiling all details. Chief Information Commissioner Satyananda Mishra asked for revising the present system of sending different queries in one RTI application to different information officers. "Unless the RTI application contains unmanageably a large number of queries, spread over the entire department, the effort must be to compile the information centrally after sourcing it from individual divisions and then to provide information to the information

seeker. "We would like the Chief Public Information Officers (CPIO) to place this before the Secretary of the Department for taking an appropriate decision and to revise the present arrangement," Mishra said. The apex body under the transparency law noted that the DoPT had appointed a large number of CPIO for the benefit of the citizens. "However, RTI applications containing more than one item of information are being split by the RTI cell of the department among many of these CPIOs to respond directly to the information seeker. As a result of this, quite often, it is noted that the CPIO representing the individual division/section of the Department responds to the information seeker mechanically by stating that the information is not available or by providing only a piecemeal information," the Commission said. The Commission was hearing an appeal filed by noted RTI activist Subhash C Agrawal, seeking information whether the Prime Minister was aware of Justice P B Sawant report allegedly indicting Anna Hazare and if any action was taken on the issue. The DoPT had responded to Agrawal by saying that it had no idea if the Prime Minister was aware about it or not, but suggested him to approach the Maharashtra government for further details as it had appointed the Sawant Commission. The Commission, however, rejected a plea of Agrawal to hold CPIO responsible for not transferring his application to Maharashtra government on the ground that he was obliged for it under the RTI Act. (Deccan Herald 26/10/12)

Centre seeks views of states, UTs on RTI implementation (1)

New Delhi: To make the RTI Act more accessible for the people, the government has sought views from states and Union Territories on various matters related to implementation of the transparency law. Officials in the Department of Personnel and Training, which acts as a nodal ministry for the implementation of the RTI Act, said the states and UT administrations have been asked to furnish details on the basis of applications received and bottlenecks observed by them. "It is not to amend the Act. We are seeking views of states in terms of assessing accessibility to people and how to make its usage more useful. How we reach to large number of people living in remote or tribal areas," DoPT Secretary P K Misra said. When asked the time-frame within which the states are expected to reply, he said, "They have been asked to reply. No time limit has been given. We will try to take their views into consideration". Earlier this month Prime Minister Manmohan Singh had said that citizens' right to know should be circumscribed if it encroaches on an individual's privacy. "There is a fine balance required to be maintained between the right to information and the right to privacy, which stems out of the fundamental right to life and liberty. "The citizens' right to know should definitely be circumscribed if disclosure of information encroaches upon someone's personal privacy. But where to draw the line is a complicated question," the Prime Minister had said. The DoPT had recently notified new RTI rules in which it had put a limit of 500 words for filing an application under the Act. Besides, a new format has been devised for filing an appeal to the Central Information Commission under the transparency law. The government has also made it mandatory for an appellant or his authorised representative to appear before the CIC either in person or through video-conference, according to the rules notified on July 31. The RTI Act, which was enacted in 2005, covers disclosure of information on almost all matters of governance. (Zee News 28/10/12)

RTI doesn't trample upon privacy: expert panel (1)

New Delhi: Government officials riding high on hopes that privacy concerns could blunt the right to information are in for disappointment. An expert panel set up to build a framework for a privacy regulation in India has brushed aside suggestions that the information law was trampling upon privacy of public servants or individuals in public life. The Justice (retd) Ajit Prakash Shah panel has told the government that privacy was only a "narrow exception" to the citizens' right of information. And when someone claimed exemption from providing information on grounds of privacy, the Information Commissioners used the public interest test to determine whether "the individual's right to privacy should be trumped by the public's right to information", the Shah panel said. The panel's recommendations come weeks after Prime Minister Manmohan Singh spoke about concerns regarding possible infringement of personal privacy while providing information under the Right to Information Act. Singh had gone a step further to stress that "citizens' right to know should definitely be circumscribed if disclosure of information encroaches upon someone's personal privacy. But where to draw the line is a complicated question". The Shah panel - that had only three civil society members, NDTV's Barkha Dutt, researcher Dr Usha Ramanathan and Pranesh Prakash of advocacy group, Centre for Internet & Society - has indicated there was no need for concern. "The (proposed) Privacy Act should not circumscribe the Right to Information Act," the Shah panel said, pointing that there were more than 400 cases where the Central Information Commissioner had pronounced decisions on the balance between privacy and transparency. Singh's remarks at the convention to mark the seventh anniversary of the RTI Act - that reflected the discomfort within sections of the government at the use of the transparency law - had come in for severe criticism

from RTI activists. Instead, the panel listed out nearly six dozen laws or those in the pipeline that contained provisions impacting privacy. Government officials said many of these laws or their rules would need to be fine-tuned in line with privacy principles, particularly those relating to the financial sector and the two big databases of residents being created by the home ministry's National Population Register and the Unique Identification Authority of India's Aadhaar. (Hindustan Times 29/10/12)

Parties not in favour of inclusion in RTI Act (1)

New Delhi: Major political parties on Thursday vehemently opposed moves to bring them under the ambit of the Right to Information Act, saying that facilities and subsidised buildings given for their offices do not constitute funding from the government. A Full Bench of the CIC comprising Chief Information Commissioner Satyananda Mishra and information commissioners Annapurna Dixit and M L Sharma was convened to decide on whether political parties come under the RTI Act or not. According to the RTI Act, a non-governmental body is declared a public authority if it is substantially financed, directly or indirectly by funds provided by the appropriate government. Such public authorities are answerable to public queries raised under the transparency law. During the hearing, all major national parties like BJP, BSP, CPI-M and NCP except Congress were present while CPI had already represented their case during the last hearing. Speaking for NCP, its counsel Amit Anand Tiwari said that according to the RTI Act, public interest is not a criteria to declare a body public authority. He also said if the details of the donors and put in public domain, other parties may threaten them and bring down the entire electoral process. BSP represented by lawyer Shail Dwivedi claimed that there was not "direct or indirect funding" by the government and the facilities like free air time, buildings at cheap rents and other facilities do not constitute funding. Similar arguments were put forth by CPI-M Politburo member Ramachandran Pillai who said 40 per cent of its funds come from its cadre which is slightly over 10 lakh across the country as membership of annual Rs two annually while rest come from 'levy' and donations and it was practically impossible to give such details. (Deccan Herald 1/11/12)

Cabinet withdraws draft amendments to curtail Right to Information Act (1)

New Delhi: The Union Cabinet on Thursday decided to withdraw the controversial draft amendments to the Right to Information Act. These sought to restrict disclosure of file notings to social and developmental issues. The withdrawal followed a prolonged and heated discussion, with several ministers saying they felt the economic and decision-making slowdown in India could be attributed to the Act in its current form. "The Cabinet has decided to withdraw the amendments," said a source privy to the deliberations at the meeting chaired by Prime Minister Manmohan Singh. In 2006, the Cabinet had approved amendments to the Act that would limit its scope to file notings related to public interest. This had led to outrage from social activists, who felt the purpose of the Act would be defeated if the government was made inaccessible. They added with the ministries of defence and external affairs and the covert agencies out of the purview, the legislation would be based on exclusion, instead of inclusion. But the government persisted with this and the draft amendments were brought before the Cabinet today. At the meeting, Agriculture Minister Sharad Pawar, his Nationalist Congress Party colleague and Heavy Industries Minister Praful Patel and Congress ministers such as Urban Development Minister Kamal Nath argued the Act should be revisited and diluted. "The bureaucracy has stopped working because it is too afraid to take decisions. The government is not moving. These amendments should not be withdrawn," the ministers argued. Patel said withdrawing the amendments, that is, retaining the Act in its original form, would be "succumbing to pressure", presumably of civil society activists who were bringing forth information on government decisions that had gone against public interest. These arguments were also supported by Railway Minister Pawan Kumar Bansal. "Decision-making has slowed," Bansal murmured. Pawar said, "Why should you withdraw it (the amendments)? Just let it be there." Patel, too, said the Cabinet didn't have to withdraw the amendments, even if it decided not to push these in Parliament. However, a Congress minister said in the current environment, it would be politically unwise to curtail or dilute a right that put the government's working under a magnifying glass. "People will say we are trying to evade scrutiny," the minister said. The amendments were finally withdrawn at the instance of Prime Minister Manmohan Singh. "If it won't pass (in Parliament), what is the use of keeping it alive?" he asked. In 2006, the amendments had faced stiff opposition in Parliament. Following the withdrawal, all file notings can be made public. Those related to national security, privacy and protection of commercial interest are exceptions. (Business Standard 2/11/12)

Thanks to RTI Act, govt no longer a mystery: CIC (1)

New Delhi: Crediting the Right to Information (RTI) Act with demystifying the government and how it works, the Chief Information Commissioner (CIC) of India has said the Act has revolutionised the way we

are governed. "No longer is the government a mystery. It (RTI Act) has robbed the government of its certainty. Everything can be questioned," said CIC Satyananda Mishra during a conference of Lokayuktas. Enacted by Parliament in 2005, the RTI Act seeks to provide for setting out the practical regime of the right to information to citizens wherein any citizen may request information from a public authority, which has to be replied to within 30 days. "With whatever information we could gather from the central government, and even with its limited penetration, we have come to know that over a million citizens have used the RTI Act. Countrywide, it would be about two million or so. It has ceased to be just a noun, it has become a verb and is here to stay," said Mishra. Unlike other laws, this is perhaps the only law that has been enacted on popular demand. Mishra calls it the only serious and sustainable attempt in Indian society that government has made to address corruption. Sounding ominous, the CIC said the use of the RTI Act stands to go up in future. Referring to the climate of all-pervasive corruption and its exposes mainly through RTI in recent times, the CIC said: "It is not in the big exposes that the success of the RTI Act is to be sought. Its success should be seen in dismantling of the wall of hesitation and trepidation that separates the people from the government." Mishra, however, lamented the poor state of record keeping by the government departments, which he said is harming effective implementation of the RTI Act. The issue of protection for RTI activists found expression in what activist Aruna Roy had to say. "There is a need for a strong whistleblowers' law even for people within the system. There is no such avenue now." (Hindustan Times 4/11/12)

Why not bring defence expenditure under RTI: BJP (1)

While political parties have rejected the move to bring them under the Right to Information (RTI) Act, the city BJP unit has some advice for RTI activists. "Why don't they make RTI applicable to the defence sector? Defence spending is around Rs two lakh crore. We are not saying sensitive defence documents or information related to national security should be revealed. But information on their regular expenditure should be made public," said BJP city unit chief Vikas Matkari. Matkari said this is specially necessary in the wake of scams such as Bofors and the recent TetraPak scam. "The TetraPak scandal came to light through an internal audit report of the Defence Ministry. It reportedly detected a loss of over Rs 100 crore in spending by six army commanders between 2009 and 2011. Defence Minister A K Antony was forced to order strict checks and balances on expenditure," said Matkari, stressing that RTI would help in curbing unnecessary defence expenditure. On the demand for transparency in functioning of political parties, Matkari said, "The functioning of political parties is more than transparent. We invite journalists to our press conferences, meetings, seminar and brief them about our functioning. Besides, some disgruntled partymen reveal inside information to journalists. Also, the Election Commission has made it mandatory to file day-to-day expenditure of candidates." Maj Gen (Retd) S C N Jatar, however, had a different take. "RTI is indeed applicable to expenditure. Defence spending is a public document. But information on top-secret weapons is out of bounds for the public." (Indian Express 5/11/12)

Now, RTI services at panchayat level (1)

BHUBANESWAR: One can now avail various right to information (RTI) related services at common services centres (CPCs) at the panchayat level across the state, the state government said. Citizens can download RTI application forms, make online applications, e-payment, check status of RTI applications, access pro-active disclosure made under Section 4 of RTI Act. The government will integrate the RTI central monitoring mechanism available at www.rtiodisha.gov.in with these centres to facilitate the service. The state government has bagged national awards for e-governance for 2011-12 for IT intervention in implementing RTI. Besides RTI services, government will also impart information about important government policies and programmes. Nodal officer for RTI Odisha P K Jena recently chaired a meeting to finalise blueprints of the strategy. (Times of India 6/11/12)

Activists force Govt. to correct mistakes in Hindi edition of RTI Act (1)

New Delhi: Mistakes in the Hindi version of the Right to Information (RTI) Act, 2005 put up on the Central Government's RTI portal, were finally rectified after eight years of pushing the department concerned. RTI activist Commodore (retd) Lokesh Batra, who pointed out 34 mistakes, said the corrected version of the RTI Act was updated on the website on November 2. It is not only an RTI success story but also herculean efforts of an RTI Activist to push officials of PMO, DoPT and Law Ministry to get the result. It took Commodore Batra 15 months to move the government to find out the 34 mistakes. "I sent emails-letters to the Central Information Commission and the Prime Minister," he said. I filed many RTIs and in between, went to CIC hearings and orders," he said, adding that it took another 40 months for the Centre to put up the corrected version. In his mail to Prime Minister on 10 April 2008 Batra had proposed: "This is a serious mistake and needs immediate correction. Hindi speaking States can make full use of this

mistake to their advantage. Sir, I request someone in Government should immediately go thru the translated Hindi version of the RTI Act 2005 to ensure that there are no more mistakes. "In the meantime Government needs to issue notification to correct this mistake. I have since written about it to CIC also on 03 April 2008. Sir, I am also placing this mail in Public Domain including media," he wrote. (New Kerala 7/11/12)

Reveal entities involved in RIL insider trading case : CIC (1)

New Delhi: The central information commission (CIC), the apex body under the Right to Information (RTI) Act, 2005 has directed the Securities and Exchange Board of India (Sebi) to share the details of several entities that were involved in the Reliance Petroleum Insider trading case in 2007. The commission also directed the market regulator to give the details of file notings and other information leading to the introduction of the consent order mechanism in 2007. The directions came on an appeal by Arun Kumar Agarwal, a Bangalore-based lawyer. Sebi Chief public information officer had refused to give these details to Agarwal on the grounds that quasi judicial proceedings are pending. "Several entities have been identified by the Sebi, who were involved in the insider trading/short sale of shares of Reliance Petroleum in 2007. The details of these entities are still not in the public domain. After carefully considering the facts of the case and the submissions made before us, we are inclined to agree to the demand of the appellant that the disclosure of this information would serve a larger public interest," the commission said in an order dated November 6. It added, "We direct the CPIO to provide the first two items of information to the appellant within 10 working days of receiving this order." Explaining the rationale for this decision, CIC said, "If as a regulator, the Sebi took cognizance of allegations of any breach of law, rules or regulations by one or more entities for unlawful private gain, the information generated in the process of its investigation needs to be disclosed in the public domain. Such disclosure would keep the general public informed and educated about the risks they may confront in making investments in the market. It would also prevent many entities from adopting shortcuts to make profit through unlawful means. The argument that at the end of the quasijudicial proceedings, the charged entities may be found innocent cannot be an argument against disclosing the information." This becomes especially important as the Sebi has also initiated consent order mechanism on the request of party involved and the breach and violations found in the investigation could be settled through a consent order thereby nullifying the likely penalty, which would have visited the party involved at the end of the quasi judicial proceedings, the order added. Sebi had taken cognizance of certain allegations made regarding insider trading/short sale of shares of the Reliance Petroleum in 2007 involving Reliance Industries Ltd and had ordered investigation into these charges. Based on the investigation report, some proceedings had also been initiated. Simultaneously, on the request of the party concerned, consent order proceedings had been initiated. The matter has been pending a final decision in the matter for several years. On the matter of the file noting and other related information relating to the issue of the circular in 2007 regarding the guidelines for the consent order mechanism, the commission said these cannot fall as such under any of the exemption provisions. "In fact, transparency demands that the entire process of deliberation leading to the formulation of important policies like this one is disclosed up front in the public domain so that the people can find out why and how such important decisions have been taken. Since the consent order mechanism constitutes a very important decision for settling disputes between regulated entities and the Sebi, it is all the more necessary that the background for the formulation of the parameters of the mechanism as contained in the circular of 2007 is made public," it said. The exemption provisions cited by the CPIO are simply not attracted to this item of information. "Therefore, we also direct the CPIO to provide to the Appellant within 10 working days of receiving this order the photocopies of the relevant file noting and other available documents leading to the issue of the circular dated 20 April 2007 laying down the guidelines for consent orders and for composition of offences." (Business Standard 8/11/12)

Personal info can't be disclosed under RTI: HC (1)

NAGPUR: Giving privilege to the right to privacy, the Nagpur bench of Bombay High Court ruled that personal information, which serves no public interest, can't be disclosed under the Right to Information (RTI) Act, 2005. Allowing the writ petition (WP NO. 2157/2012) filed by Maharashtra State Electricity Transmission Company (Mahatransco) Limited, which challenged the order of state information commissioner, Justice Vasanti Naik held that such non-disclosure of personal information is protected by the exception provided in one of the provisions of the RTI Act itself. In the given case, respondent Sureshkumar Patil, a resident of Hingna Road, had sought personal information of ten employees working in Mahatransco through an application dated June 6, 2011. He demanded confidential documents like annual performance appraisal and job description of these employees. Patil had also asked for the documents relating to the job description of certain officers and the attested copies of representation for

the upgradation of annual confidential reports of the employees. The second respondent - state information commissioner's Nagpur bench in Civil lines - had partly allowed the appeal on December 20 last year and asked the petitioners to disclose the information sought by Patil. The high court held that such disclosure is unwarranted. Referring to section 8(1)(j) of the RTI Act, the court observed that disclosure of personal information, which has no relation with the larger public interest, causes unnecessary intrusion in the individual's private realm. "Unless the central or the state information commissioner finds that such disclosure is justified for larger public interest, no personal information must be supplied with," the court stated. It also relied on an unreported apex court judgment of this year, which held that every individual is entitled to right to privacy and any such disclosure without reasonable grounds of public interest, violates the right of the individual. Accordingly, Justice Naik quashed and set aside the December 20 order of the state information commission while allowing prayers of the petitioner - public information officer and general manager Madhao Pendor of Mahatransco. DM Kale was the counsel for Mahatransco, while SB Wahane and AB Patil represented the first and second respondents respectively. (Times of India 9/11/12)

RTI activist threatens legal action against Kejriwal (1)

New Delhi: A Delhi-based RTI activist on Wednesday threatened to initiate legal proceedings against Arvind Kejriwal and his associates alleging that one of the NGOs run by them collected funds but did not account them, a charge denied by India Against Corruption. Pranav Arora alleged that Kejriwal was associated with the NGO Kabir, run by India Against Corruption leader Manish Sisodia, and it had got funds from Ford Foundation which they did not show in accounts. He alleged the funds obtained from foreign agencies were used to trigger civil society movement in the country. He also asked Kejriwal to disclose details of the donations received by his NGO Public Cause Research Foundation in the last fiscal. "If Kejriwal has been exposing everyone's corruption, he should also answer the doubts regarding fundings to his NGO. I am following Kejriwal's way to expose him through media and later I will go for legal proceedings against him," Arora said. Rejecting the allegations, an IAC spokesperson said all money received by Kabir were accounted for. "Kabir had received grants from Ford Foundation in 2005 and 2008. Ford Foundation had agreed to pay USD 2 lakh in 2010 but the NGO wrote to it saying they did not need the money as it was into the anti-corruption movement," the spokesperson said. The IAC also said the Home Ministry had conducted searches and inquired into the accounts early this year and had found nothing. (Zee News 14/11/12)

Consumer forum grants compensation to RTI applicant (1)

PUNE : The Pune district consumer redressal forum has recently ordered the Directorate of Technical Education Department (DTED) to pay a compensation of Rs 10,000 to an RTI applicant H R Kakade a former employee of the Institute of Technology run by city-based Deccan Education Society (DES) for the delay in providing information. The forum held that the applicant was a consumer of DTED and ordered the department to provide information. The compensation was given for causing physical and mental harassment to Kakade. The department had failed to provide information to the applicant when Kakade had filed the first appeal under the RTI Act, 2005. Kakade moved the forum instead of filing a second appeal before the state information commission. Kakade submitted before the forum that the department had restrained him from making a second appeal which had caused him physical and mental harassment. The forum president Anjali Deshmukh and member S K Kapase directed the department to provide information to him within six weeks free of cost from the date of order for failing to provide information under the RTI Act. Kakade had sought information pertaining to out of turn promotions of some of his colleagues under the RTI Act on November 25, 2011. The department's public Information officer M D Misal admitted before the forum that Kakade was refused information as the same was available on its website. Misal had pleaded to dismiss Kakade's case with directions that he should approach the state information commission, but his plea was rejected by the forum. (Times of India 16/11/12)

More awareness needed on RTI Act: Commissioner (1)

Kakinada: The State Information Commissioner P Vijayababu said that efforts should be made by media and information activists to create more awareness among people and the officials on the provisions of the Right to Information act and its utility. Interacting with the press persons here today, he said, even after seven years of enactment, still clear understanding was lacking among the people and also the officials on the RTI act, as such media has to play a vital role in creating proper awareness by taking up campaigns. "Several information officers were considering giving information under the RTI act as an additional duty which is not at all correct. Under the act it is their primary responsibility. They should view the provisions of the act in its spirit but not by the sections mere treating it as a ritual. They should render

service to the information seekers treating them with utmost courtesy.' he added. Replying to queries, he said East Godavari district was better in implementation of the RTI act when compared to the other districts in the state. Even in providing information to the Commission, the district administration was very prompt and effective, he remarked. Joint Collector Babu Ahmed who was present informed the commissioner that the administration had embarked upon the programme of digitalizing the records and already records of last 40 years were scanned and digitalized. Efforts are also being made to provide ready information of the digitalized records through touch screen through 'e-office' net work. Earlier Vijayababu was felicitated by the town journalists both print and electronic media. The commissioner replying to felicitations described it as an honour for the entire journalistic fraternity as the profession elevated him. (New Kerala 17/11/12)

Info panel hopes govt site checks will limit RTI cases (1)

CHENNAI: The Tamil Nadu Information Commission will soon check the websites of all government departments to see if they contain updated information. It hopes to reduce the number of petitions filed under the Right To Information Act by ensuring that all departments make their records accessible to the public and that they post all new information online. State chief information commissioner K S Sripathi told TOI that several government departments do not update their websites even though the RTI Act has been in force for the past seven years. Under Section 4 of the act, records of government departments have to be computerised and posted on their websites. "If all departments upload information on their websites regularly, people would not need to file RTI pleas to access records," Sripathi said. "Most appeals are filed because government departments have failed to post new information on their websites." The commission will conduct regular reviews of government websites. "We will conduct reviews to ensure government websites update information and contact numbers of officials from whom they can seek additional data," he said. Sources said the commission will instruct the municipal administration and water supply, public works, revenue, transport, religious endowments and information, finance, home, labour and employment, education and tourism departments and others to provide information on their websites. The commission is also working to reduce pendency of appeals from three months to one month. "There has been an improvement in the disposal rate of appeals. We are working to reduce appeal pendency to one month," Sripathi said. Many RTI activists welcomed the initiative, noting that most government websites are not updated. "Most departments don't bother to post information on their websites," said executive director of NGO Fifth Pillar K Bhanu Kumar. Officials of some departments said it would be a massive task to upload all the information. A corporation official said: "It will be a big job to scan all the records and upload them. Most departments are unable to update their websites because they face a staff shortage." (Times of India 19/11/12)

Respond promptly to RTI applications, officials told (1)

CHITRADURGA: District-level officers should not hesitate to provide applicants with information sought under the Right to Information Act (RTI), as it is meant to maintain transparency in the functioning of various departments, Assistant Commissioner Nagaraj has said. Inaugurating a two-day training programme on 'Improving transparency and accountability in government departments through effective implementation of Right To Information Act, 2005' here on Tuesday, Mr. Nagaraj said that officers should take active part in the training programme and get all their doubts about the RTI cleared. Resourceperson Muralidhar said that Sakala, the Guarantee of Services to Citizens Act, was an offshoot of the RTI Act, and it had made the administration more accountable and people-friendly. Immediately on receipt of an application under this Act, officials should study it carefully and provide the information sought. "If the officer concerned fails to provide the information sought within the stipulated time, action will be taken against him," he said. He urged officials to prominently display essential details pertaining to the RTI Act in their offices. Zilla panchayat Deputy Secretary Rudrappa, planning director Lakshmi Narayan and programme convener Yoganath Singh were present. (The Hindu 28/11/12)

RTI activist attack case: 3 arrested (1)

Mumbai: After more than a year of an RTI activist's assault in Bhandup, the Mumbai crime branch on Tuesday arrested three persons. In August last year, the activist was beaten by unknown persons with iron rods at Janta Market in Bhandup. "Sanjay Shantaram Lad, 32, Gurudip Viridhi, 36, and Anil Movekar, 27, who have been arrested are residents of Bhandup," said Himanshu Roy, joint commissioner of police (crime). A case of attempted murder was registered with the Bhandup police, who arrested two persons in the case—Dilip Vaishnav and Vilas Ganpat. However, the duo was released due to lack of evidence. The case was transferred to the crime branch. The policemen interrogated over 50 persons in and around Bhandup in the case who had previous similar cases registered against them. They studied the

complainant's background and traced the people who could have landed in trouble due to his social work. (DNA 28/11/12)

Offer security to RTI activist: Digvijay Singh (1)

BHOPAL: AICC general secretary Digvijay Singh on Thursday shot off a letter to chief minister Shivraj Singh Chouhan asking the state government to provide security to RTI activist Devendra Prakash Mishra who filed a Public Interest Litigation (PIL) in the Madhya Pradesh high court (MPHC) challenging the allotment of a 15-acre prime plot here in the South TT Nagar area to construction major Gammon India. Digvijay Singh wrote that Mishra had expressed concern for the safety of his life specially after the way RTI activist Shehla Masood was killed in broad daylight in August last year. In a second letter addressed to Chouhan, the AICC general secretary raised a volley of questions regarding the legality of land allotment to Gammon India and its subsequent transfer to another construction company Deepmala Infrastructure Private Limited (DIPL). "I am writing this letter regarding the allocation of a highly valuable 15-acre plot of land in the South TT Nagar area by your government under the re-densification scheme," Singh's letter said. "I had earlier queried about the legality of the allocation of the land to the Gammon India. In contravention of the objectives and rules of the re-densification scheme, a third company DIPL entered the deal and secured a lease deed on the same land without paying a lease rent. In addition to this, the government converted the lease hold to free hold land, which resulted in a loss of Rs 2,000 crore to the state exchequer," the AICC general secretary alleged. The letter said that the PIL filed by Devendra Prakash Mishra in the high court challenged that the plot of land with a market price of Rs 2,000 crore was given away by the state for just Rs 6.5 crore. During the hearing of the case, the petitioner produced before the court as evidence the order issued by the deputy collector dated November 11, 2012 favouring DIPL and converting the lease hold land to free hold. The petition appealed before the court for the retraction of the same order. "The free hold status of the land may have been withdrawn but the matter does not end here. The allotment of a 15-acre plot of land without proper auctioning to Gammon India and the manner in which the state exchequer lost Rs 2,000 crore is in strict violation of the objectives and norms of the scheme," Digvijay Singh's letter argued. "There were 17 bidders for that particular land, but only Gammon India was privileged to acquire it. This proves that everything is not transparent." Digvijay Singh accused that on March 29, 2008 a tripartite agreement was signed between the district collector, commissioner Housing Board and director of DIPL without any appropriate legal procedure. Land was handed over to the DIPL through this agreement. "The agreement for the land was on a stamp paper of Rs 100 only and no pan number was quoted on it," he alleged. (Times of India 30/11/12)

Tax-exempted income of parties in 5 years touches Rs. 2,490 cr. (1)

New Delhi: Tax-exempted income of the 10 main political parties in the last five years touched a whopping Rs. 2,490 crore, with the Congress and the BJP accounting for around 80 per cent of the amount, according to official data. The information came through a petition filed by Hisar-based RTI activist Ramesh Verma before the I-T department. The income could be more, as the political parties' income figures between 2007-08 and 2011-12 received from the department through the RTI plea does not incorporate a large number of small donations below Rs. 20,000. The Congress had a tax-exempted income to the tune of Rs. 1385.36 crore, more than double that of the BJP, which recorded Rs. 682 crore. BJP ally JD(U)'s tax-free income in this period except for 2008-09 has been Rs. 15.51 crore. Mayawati's BSP recorded an income of Rs. 147.18 crore in three financial years 2007-08, 2008-09 and 2011-12. It filed incomplete returns in 2009-10 and had no tax-exempted income in 2010-11. Sharad Pawar's NCP had a tax-exempted income of Rs. 141.34 crore in the five-year period. According to the information provided by the IT department, the CPI(M) recorded an income of Rs. 85.61 crore in four years in this period while it had nil income in 2008-09. CPI's income in 2008-09 and 2009-10 is pegged at Rs. 28.47 crore. The JD(S) had an earning of Rs. 7.16 crore in 2009-10 and 2010-11, while Ram Vilas Paswan's LJP had a tax-exempted earning of Rs. 2.55 crore in four years from fiscal 2007 to fiscal 2011. Lalu Prasad's RJD earned Rs. 2.85 crore in three years from fiscal 2008 to fiscal 2011. Political parties are exempted from tax on their income through Section 13A of IT Act 1961. However, they have to maintain a book of account for donations or income above Rs. 20,000. Keywords: political parties, tax exemption, RTI plea, I-T exemption limit, Right to Information Act (The Hindu 2/12/12)

State-level panel to streamline RTI regime (1)

GULBARGA: The government has constituted a state-level committee (SLC), headed by additional chief secretary, to strengthen, streamline and periodically review the Right to Information (RTI) regime. The government has taken such a measure following a large number of complaints from the stakeholders over "improper and ineffective" implementation of the RTI Act. Principal Secretary, department of Personnel

and Administrative Reforms, will be the convener of the SLC, while principal secretaries/secretaries of departments concerned, heads of departments, boards, corporations, authorities, will be its members. The committee will meet at least once in two months and review the general functioning of the RTI regime, including applications received, their disposal, pendency and the reasons for pendency; review the functions and responsibilities of the appellate authorities and ensure that all the public authorities make suo motu declaration of basic information for public knowledge. The committee will review implementation of RTI Act; scientific handling of files through computerisation; implementation of the Karnataka Public Records Act. It will also review information posted on the websites of public authorities and see to it that the information is updated every year before October 30 and, made available for people. The SLC will also review whether the first appellate authorities are conducting hearings and disposing the appeals in time; parting with information within the required time and the reasons for not furnishing the information within the specified time. It will also look into any other issues, problems and proposals relating to the implementation of the RTI Act and, place them before the high-level committee constituted in this regard under the chairmanship of the chief secretary to the state government. The Karnataka Information Commission has made some adverse remarks on public information officers of public authorities and appellate authorities for their inept handling of the applications filed by members of public. Besides, the government has noticed that even seven years after the implementation of the RTI Act, many public authorities have not yet made suo motu disclosure as required under the Section 4(1) (a) and 4(1) (b) on their functioning. They have not placed the basic information about holding of files, nature of their disposal and related information on the public domain through their websites. This has forced RTI users to approach the authorities, seeking information. They have complained of the difficulties they are facing in getting information. Several NGOs, organisations and activists have filed complaints in this regard. (Deccan Herald 4/12/12)

Govt spent Rs 9,573 on Kasab's funeral; Rs 28 crore on upkeep (1)

Mumbai: Both Maharashtra and the union government spent Rs 28.46 crore to provide food, security, medicines and clothes during Ajmal Kasab's confinement in Arthur Road Central prison here and at Yerwada jail in Pune. The government spent Rs 9,573 on Kasab's funeral and on the day of his execution, it spent Rs 33.75 on food and Rs 169 on his clothes, according to information obtained through an RTI query by Athak Seva Sangh chairman Anil Galgali. "After I filed an application to obtain the information, the government replied to various questions but postmortem and mercy petition documents were denied by the state government," Galgali said. Galgali had asked government to provide the total expenditure details on Kasab and his postmortem and mercy petition documents. Maharashtra government spent Rs 6,76,49,676.82 on Kasab including food (Rs 43,417.67), security (Rs 1,50,57,774.90), medicines (Rs 32,097), clothes (Rs 2,047), security construction (Rs 5,25,16,542) and funeral (Rs 9573). Galgali has filed a "first appeal" with the Deputy Secretary of the Home department seeking information related to postmortem and mercy petition which the Under Secretary had denied. (Zee News 6/12/12)

Information chiefs should have judicial background' (1)

NEW DELHI: The Supreme Court on Thursday said that independent persons with judicial background should be appointed as information commissioners instead of loyal bureaucrats amid the centre's opposition to the recent apex court verdict saying that the court cannot direct legislature to amend a law. "It would be good if independent person with legal background is appointed in the commission and not only the retired bureaucrats who are loyal to the government," a bench of Justices A K Patnaik and Swatanter Kumar said, adding that the Right to Information (RTI) Act needed to be "rectified". The court was hearing a review petition filed by the Union government against the verdict delivered on September 13 changing status of the Central Information Commission (CIC) as judicial panel directing it to function in a bench of two with one member having necessarily judicial background among other directions. Attorney General G E Vahanvati, appearing for the centre, submitted that it was well-settled a principle of law that the legislature cannot be asked to amend a particular law. The court had, in its judgment, passed a slew of directions to the government including an instruction to amend the provisions of the law. (Deccan Herald 7/12/12)

RTI activist receives death threats from mining mafia (1)

Jajpur: A Right to Information activist who has been working to expose irregularities in the mining sector on Sunday claimed to be living in constant fear after receiving death threats by mining mafia who were allegedly supporters of the ruling party. The 45-year-old activist, Sarbeswar Behura alias Chaguli, said he had lodged three separate complaints with the police and met Jajpur superintendent of police seeking

security claiming his life was in danger. But the police were sitting on the complaints, he alleged. "Last week, a group of anti-socials came to my house at Jaraka and threatened to kill me in full public view. Immediately I brought the matter to the notice of the local police and filed a written complaint," he said. After Behura filed the FIR, the miscreants pulled down his boundary wall at Saroi village, he claimed. "However, police took no action," he alleged, adding, the miscreants also set fire to five stacks of paddy worth over Rs. 50,000 on Thursday. "I met the additional SP of Jajpur and apprised him about all the incidents and police inaction. He has assured me to look into the matter personally," said the victim. When contacted, the additional SP Rabi Narayan Behera said, "I have asked the Dharmasala police to take immediate action and arrest the accused persons involved in the crimes". Behura said the incident occurred after he filed a PIL with the Orissa High Court praying to stop illegal mining in his area. As the illegal mining was stopped after the Court direction, the issue flared up and he was assaulted. (Hindustan Times 9/12/12)

Sleep on RTI queries, babus tell juniors (1)

CHENNAI: Seeking and giving information under Right to Information Act has been a cat-and-mouse game for citizens and officials since the legislation came into effect in October, 2005. Now, senior bureaucrats are giving crash courses to public information officers (PIOs) on how to delay or deny information to applicants. At informal sessions, officers coach PIOs - responsible for giving information under the act - how to redirect queries or give vague replies. A PIO working for a university was asked to delay a file the applicant sought for inspection as the legal cell had to scrutinise it. "First, I was asked to go on leave for a week. Then I had to say the section officer was on leave. The applicant, who should have been given the file in 45 days, got it after 60 days," said the PIO. The officials, however, are careful not to give these instructions in writing, as they could also be open to scrutiny under the act. A scientist at a national institute, to whom an RTI application was forwarded, said his senior was unhappy that he readily gave the details. "Asking for information is their job," he quoted his boss as telling him, "Not giving away everything is part of our job." The scientist said the senior administrator gave him a few tips on how to intentionally misdirect queries to delay things. "While RTI activists are well versed with the act and pursue applications, many common people who seek information give up after long delays. This is the guiding reason for creating barricades," he added. That explains why the number of appeals filed before the State Information Commission has gone up. The commission does not have statistics on the overall RTI applications received by various departments. Neither does it have the total number of appeals (an applicant files an appeal with the commission if he/she isn't satisfied with the reply he receives from the PIO). But it says the number of appeals it disposed till September 2012 has gone up to 8,607 from 4,579 in 2011. State CIC K S Sripathi said he was not aware of any such training to delay replies. RTI appeals pile up as officials stonewall queries. Appeals against denial or delay of information under RTI have been piling up with the state information commission to the point that the commission lost count. RTI activists attribute this increase in appeals partly to the practice of senior officials training public information officers (PIOs) on ways to delay replies. Applicants approach the state commission when their RTI queries are not replied by government departments. State chief information commissioner K S Sripathi admits that the number of appeals has been going up, but he does not know the exact number of pending appeals or the reasons for the delay. "We try to dispose appeals as soon as they come to us," he said, denying knowledge of officials training PIOs to fob off applicants. But many RTI activists disagree. In most cases, senior officials or heads of department help PIOs draft the replies, said advocate and RTI activist V S Suresh. "Some of the replies are diplomatic, some are unreasonable and others are just stupid," he said. Replies to RTI applications filed by TOI shows that the Tamil Nadu Electricity Board chose to ignore a question on defaulters, forcing us to go on appeal. Chennai Corporation found another way to stonewall questions by saying, "We do not have enough manpower or financial resources to provide the information." The state information commission, which is the implementing authority, has flouted the rule that a reply should be given in 30 days. An application by TOI has been pending since October. While the more enthusiastic ones among PIOs say they don't have the promised autonomy, many find the job an additional burden that doesn't pay extra. "I have to work a lot to get information for every application. Why would I do that when I get nothing for it?" asked a PIO at the state secretariat. The state chief information commissioner has powers to initiate action against PIOs who don't act on applications. Officials said they have issued show-cause notices to PIOs who don't give proper replies on time, but they did not have any number or details of action taken against such PIOs. "Anyway," Sripathi said, "what we want is better awareness, not just penalties." Lack of manpower and absence of digitised information also delay replies. Sections 4 (1) (a) and 4 (1)(b) of the Act speaks of regular cataloguing and indexing of registers in every office. But despite instructions from the state information commission, many departments don't upload revised information on their system. Some officials misuse of RTI by some applications should also be

blamed for the pile-up. An official with the state information commission noted that several people seek information on several lands pattas to blackmail landholders. "We have received 55 RTI applications from one applicant seeking details of various land deals," he said. Activists say the purpose of RTI is defeated if officials delay information. "The information commission has to take stringent action against officials who refuse to give information," said Banu Kumar, executive director, Fifth Pillar, an NGO that backs the use of RTI. (Times of India 10/12/12)

Exam answer sheets under RTI Act: MGP (1)

In a recent decision (indiankanoon.org/doc/1519371/), the Supreme Court has said that the exam answer sheets have to be provided to him or her for inspection if the student applies for them under the Right to Information Act. According to P M Bhat of Mysore Grahakara Parishat, a candidate who had written a CBSE exam was dissatisfied with the marks he had obtained and had applied for inspection of his answer sheets under the RTI Act and the CBSE had rejected his application citing rule 8(1)(e) of the Act which exempts information held in a fiduciary relationship from mandatory disclosure. A fiduciary relationship is one in which a person trusts the other person to exercise a reasonable degree of care. CBSE argued that it holds the answer sheets in a fiduciary relationship with the examiner and so it can refuse to divulge that information. The Court did not agree and said that it is bound to allow RTI applicants to inspect or obtain a copy of their answer sheets. But the Court admitted that if a disgruntled examinee comes to know the name of the examiner, he may harm the examiner. So it said that before giving the answer sheets to the RTI applicant, information about the examiners should be deleted under section 8(1)(g) of RTI Act, on the ground that if such information is disclosed, it may endanger their physical safety. Sec. 8(3) of the RTI Act says that information relating to any event or matter which took place 20 years before the RTI application should be provided. At first sight, it appears that this section makes it compulsory to preserve all information for 20 years. But the Supreme Court interpreted it differently in its order. It said that 'examination bodies need not keep the answer sheets for 20 years and can make their own rules about how long they will keep them (for example, CBSE rules say that answer sheets will be kept for 3 months after the announcing of results). The RTI applicant has to submit his application for answer sheets within this time or else RTI Act will not apply.' (Deccan Herald 11/12/12)

Corporator arrested for murder of RTI activist (1)

Bangalore: A corporator of Bruhat Bangalore Mahanagara Palike (City corporation) in connection with the murder of RTI activist Lingaraju, a top police official said. "The corporator from Azadnagar, Gowramma, who is an accused in the murder was arrested from Thanjavur in Tamil Nadu by a four-member team of Chamarajpet police station", Deputy Commissioner of Police (South Division) H S Revanna said. Lingaraju, an RTI activist was hacked to death by some unidentified persons last month allegedly at the behest of Gowramma and her husband Govindaraju against whom the deceased had filed a complaint before the Lokayukta Court for possessing assets disproportionate to their known sources of income. (Zee News 12/12/12)

Guwahati molestation: RTI activist to challenge verdict (1)

Guwahati: After Assam chief minister Tarun Gogoi, Assam farmers leader and RTI activist Akhil Gogoi Thursday expressed his unhappiness over the verdict in the GS Road molestation case and said he would appeal against it in the high court. Addressing a press conference in Guwahati, Gogoi said he would soon file a PIL in the Gauhati high court challenging Kamrup chief judicial magistrate's (CJM) Dec 7 verdict, convicting 11 of the 16 accused in the case and acquitting four of them, including local television journalist Gaurav Jyoti Neog. Gogoi, the general secretary of Krishak Mukti Sangram Samiti (KMSS), also appealed to the victim to appeal against the acquittal in the sessions court. "While we appreciate the fast delivery of verdict in the case, we feel that the whole investigation of the case was 'politically influenced' directly or indirectly by Assam Minister Himanta Biswa Sarma to safeguard Neog, who works for News Live television channel owned by the minister," he alleged. The chief minister had Monday also expressed his unhappiness over the verdict, especially the acquittal of Neog, and vowed action against the investigating officer if there was any lapse on his part. After the sensational molestation case July 9, Akhil Gogoi termed Neog as the director of the whole molestation incident and charged him with inciting the mob to strip the girl in public "to build up the story for his news channel". He had also submitted electronic evidence - raw footage of the molestation incident before the Special Investigating Team (SIT) - formed by Assam Police to investigate the case. He also alleged that the investigating officer and the SIT had intentionally misguided the court over the investigation and trial, saying this was clearly mentioned in the judgment. Quoting the judgment, Akhil Gogoi pointed out that the court had even pointed out that the investigating officer of the case should have been more professional to handle a case of such a

magnitude. "Here in the present case in hand, the defence was successful in raising some questions regarding the efficiency and ability of the investigating officer to handle a case of such a magnitude. "Without going to question his ability, hard work and sincerity, I like to bring it on record that in such a sensational case, the IO needed to be more professional in his approach and ought to have been more sensible. The evidence on record and the statements of the witnesses recorded by the IO, clearly indicates that he recorded the statements casually and in a cryptic manner. There was lack of promptness and also lack of sensibility," he quoted from the judgment. "It is not understood, why the investigating team got the Controlled Voice Sample of accused Gaurav Jyoti Neog recorded by a studio photographer, when the CID has got their own experts in this line... Thus, by such act of non-professional approach and lack of precision, the investigating team has allowed to waste a vital evidence," he read from the judgment. "The whole investigating process is kind of a drama staged under political influence of the minister to save Neog since he works for the television channel owned by the minister," said Akhil, who also appealed the people to financially help them to pursue the case in the high court. (Hindustan Times 13/12/12)

Bangalore Golf club brought under RTI ambit (1)

Bangalore: The Karnataka Information Commission (KIC) has classified the Bangalore Golf Club as a 'public authority' and brought it within the ambit of Right To Information (RTI) Act. While passing the order on December 11, KIC also directed the Golf Club as well as the Karnataka State Tourism Department, which controls the Club, to appoint a Public Information Officer and the First Appellate Authority within 15 days. The order was passed by Dr Shekhar D Sajjanar, State Information Commissioner, based on a complaint by S Umapathi, a resident of Kirloskar Layout in the City. Umapathi had sought certified copies of a list of records duly catalogued and indexed as required to be maintained under the provisions of the RTI Act. He also asked that the information be given to him in the form of a compact disk. The Club responded that as it is not a public authority (as per 2 (H) of the Act), it was under no obligation to release the information. After the complaint was made, the counsel for the Club had attempted to have the KIC reject the complaint on the grounds that the Club was a society registered under Societies Registration Act and not an entity funded by the government. (Deccan Herald 14/12/12)

No frivolous, personal-in-nature RTI queries: Central information commission (1)

LUCKNOW: In response to a query under the Right to Information (RTI) Act, the the Central Information Commission (CIC), New Delhi, denied it had any 'frivolous or personal-in-nature' applications available in the records. This is against statement of chief information commissioner (CIC) Satyanand Mishra at a seminar on RTI, organized in the city recently, in which he said, people had not understood the basics of the RTI Act, and that many applications received by the central information commission (CIC) were personal in nature, adding that information should be sought in public interest. In response, RTI activist Urvashi Sharma moved the commission which denied receiving queries frivolous or personal in nature. The applicant had sought information about all applications available in CIC, at any other office affiliated to it by way of complaints, appeals, RTI applications or by any other source, that were personal in nature. The information was also sought about the "frivolous RTIs that were filed to hog the limelight". In response to the query, the CIC denied that it ever got any such application. The chief public information officer (CPIO) of CIC Pankaj KP Shreyaskar said "no such information in this regard is available with the commission." It contradicts the claims made time and again that 70% of the information filed under RTI seek personal information. The RTI activists expressed concern over such projections as they discourage RTI-users. (Times of India 17/12/12)

11-year-old RTI girl sends legal notice to PM (1)

Lucknow: In response to Prime Minister Manmohan Singh's comments on the alleged misuse of the Right to Information (RTI) Act, an 11-year old girl, who is a well-known RTI activist, has sent Singh a legal notice, asking him to either furnish documentary evidence to corroborate his remarks or face legal action. In a notice sent to the Prime Minister on Monday, Urvashi Sharma said RTI activists across the country were deeply hurt by his remarks. "Being a citizen of India, a social worker, a RTI activist and a person having deep faith in the ideals enshrined in the Indian Constitution, I ask you, through this letter, to kindly either put documentary evidences to support your statement or take your words back and issue a public apology," she said. "In case this does not happen within a period of 60 days from the day you receive this letter, I will be left with no option other than moving a suitable judicial forum for your working against the expected work culture of a prime minister, your anti-RTI stance and hurting sentiments of numerous RTI users," the notice stated. Sharma referred to the prime minister's speech on October 12, 2012, delivered at the Annual Convention of Information Commissioners in New Delhi, where he mentioned "some

obvious areas of concerns about the way the Right to Information Act is being used presently and I had flagged a few of them when I addressed this convention last year." "There are concerns about frivolous and vexatious use of the Act in demanding information, the disclosure of which cannot possibly serve any public purpose. Sometimes information covering a long time-span or a large number of cases is sought in an omnibus manner with the objective of discovering an inconsistency or mistake which can be criticised. Such queries, besides serving little productive social purpose, are also a drain on the resources of the public authorities, diverting precious man-hours that could be put to better use," the prime minister had reportedly said. (Deccan Herald 18/12/12)

Heavy increase in number of cops protecting VIPs and VVIPs (1)

Mumbai: Sixty-one per cent of the Mumbai's 46,000-strong police force has been assigned the job of protecting VIPs and VVIPs in the metropolis that has a population of over 1.25 crore, a whopping 1,184 per cent jump in deployment since 2007. In 2010, nearly 13,010 cops were assigned for VIPs and VVIPs protection duty while the number rose by 48 per cent to 19,349 the next year. As on November 30 this year, 28,420 policemen were protecting VIPs, a 46 per cent jump since last year, an RTI reply received by activist Chetan Kothari said. In 2007, there were only 2,213 cops performing such duties. When asked to comment on the issue, Mumbai police commissioner Satyapal Singh said, "We have our own limitations. In a democracy, VIPs are more under threat than a common man. However, we are doing our best to serve people with available strength". Lawyer Abha Singh, wife of IPS-turned-lawyer Y P Singh, said that except people holding high official positions in the government, security should be withdrawn to others. "Those actually fighting for change in the system are deprived of security, while protection is provided to those who have no threat at all. Some people enjoy security cover to show off their importance," Singh claimed. Meanwhile, the Aam Aadmi Party (AAP) plans to hold a demonstration and a morcha outside Bandra Railway station (West) tomorrow to demand that the security for undeserving people should be withdrawn so that the police department will have more cops to investigate crime against women and children. (Deccan Herald 21/12/12)

Pleas under RTI Act to be cleared in three months (1)

HYDERABAD: Chief Information Commissioner Jannat Hussain has promised that the large pendency of petitions filed under the Right to Information Act will be cleared in three months. At a public hearing on RTI organised by the United Forum for RTI campaign here on Saturday, Mr. Hussain listened to several individual grievances and promised to take them up with other Commissioners. He said it would be his endeavour to ensure that the right to information activists were not inconvenienced. On threats received by RTI activists, he said the Commission was in the process of making enquiries from SPs of the respective districts. The Commission would hold a video-conference with Collectors in this regard next month. Responding to a protest that the designated public information officers in government departments were not complying with the Commission's orders at frequent intervals to disclose information to seekers, Mr. Hussain said the problem was being addressed by asking the authorities not to close files until the applicants confirmed that they got the required information. He also heard complaints that the Commissioners were not courteous in attending to complaints from public. (The Hindu 23/12/12)

Cop fined 10, 000 for RTI response delay (1)

MUMBAI: State chief information commissioner Ratnakar Gaikwad has fined ACP Rajendra Kotak Rs 10,000 for not providing copies of an RTI query within 30 days. Under the RTI Act, activist Chetan Kothari had sought information from the coordination cell of the commissioner's office about the rights of an arrested person. "I wanted to get information about rights given to an arrested/detained person. While I got details from other police stations, ACP Kotak, who was assigned the job of collecting the information and giving it to me, delayed the process," said Kothari. Kothari filed a second appeal. That, too, was delayed. "It was almost 60 days and I did not get the copies. When I approached the ACP, he demanded money for handing over photocopies of the answers. According to rules, after 30 days, answer to an application has to be given free. Why did he need money for it," he said. -Mateen Hafeez He said Kotak demanded Rs 2 per page. "I approached the information commissioner and Kotak was fined for the delay in providing information. Kotak was sitting on the info for several days but did not give it to me," he said. (Times of India 24/12/12)

Activist banks on RTI to monitor govt depts work (1)

JAIPUR: To bring in accountability and enhance the performance of various government departments, a former Indian Postal Service Officer (IPoS) has decided to embark on a campaign to educate citizens in 30 towns of the state on how to use Right to Information (RTI) Act for monitoring the implementation and

progress of work. Not satisfied with Anna Hazare strategy to promote rural development, Ashok Chaudhary, who resigned in 2003 well before his official superannuation in 2027, developed his own model for progress. "In 2,000, I stayed in Ralegan Siddhi (Anna's village) for one week. However, I was not impressed as his model didn't inspire people in the nearby villages. After that I developed my own model to bring transformation in the state." He explained that 11 major departments such as education, health, agriculture and social welfare, etc. have initially been shortlisted for close monitoring by our teams and the citizens. "We will educate people not to have vindictive approach against the officials and follow the progress of these departments." The model has been prepared after travelling in rural and urban areas across the state and factoring in the common problem faced by the people. The campaign is named as Abhinav Rajasthan which will start from December 30 from Merta city. The main objective behind the campaign is that common man should be benefited from the Central and state government schemes. Moreover, resources of the departments should be used for public welfare. "Our motive is not to earn money; even people associated with the campaign use their own money to educate masses. I personally run a coaching centre for competitive exams from my own earnings. Even, we are not an NGO or will not associate ourselves with any political party in future." Chaudhary was posted in postal department in Gujarat before he resigned after serving for ten years. Earlier, after completing his MBBS from Ajmer Medical College, he practiced in Bhilwara and Bhansawara districts for two years. "I joined administrative service as I wanted to learn framing and execution of policies. Since beginning, my aim was to work in the development sector. I visited Anna's village during my service tenure only," claimed Chaudhary. He claimed, in year 2005, in Merta city he has also worked to curb the ritual death feast, which has shown positive results in the area. (Times of India 27/12/12)