Chapter 2

REVIEW OF LITERATURE

2.1 Introduction

This chapter has covered a summary of literature referred by the researcher relating to the field of study. Review of literature has helped the researcher to understand the research problem in a better way. The researcher has studies the literature from the sources like books, journals, newspaper articles, magazines, research articles. Through review of literature, the researcher has made an attempt to study the various concepts and terminology of the research work carried out in the present study. Thus, in the present chapter various literatures related to the area of study have been reviewed to gain knowledge on the related aspects of the research problem so that the research study goes into the right direction.

2.2 Review of literature regarding Right to Information Act

Sathe S. P. has presented a lucid and analytical commentary on Right to Information Act, 2005. He has traced the history of this legislation and also the evolution of the right to information as a constitutional right. He has also explained the administrative process involved in the implementation of this act. He has focused on the judicial decisions on the right and the problems that might be faced while implementing the Act.

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Wadia Angela\(^8\) has comprehensively covered the Right to Information Act, 2005 and the challenges thrown by this Act. He has explained the duties of PIOs (Public Information Officers), the powers and functions of CIC (Central Information Commission) and SIC (State Information Commission) and the role of Government in promoting RTI Act. He has also explained the procedure for request of Information.

Das P. K.\(^9\) gives the simple meaning and interpretation of the words used in the Article 19 and clause (1) (a) of the Constitution of India of which Right to Information is the product. He explains how the government functions must be transparent and the three instrumentalities i.e. executive, legislative and judiciary of the state should be prevented from deceiving people. He thus explains how one-sided information, disinformation, misinformation, and non-information all equally create uninformed citizen. As per the author there is one feature which should be particularly noted by the information seekers. They can ask only information on what exists with the Public Information Officer or ask for copies of documents which the Information Officer has in his possession or which he could have called for.

Acharya N. K.\(^{10}\) has commented in detail the procedure for seeking information and the fee structure to avail information. He has given the format of application, first appeal and second appeal for obtaining information. He has answered many queries followed by wise commentary related to Right to Information which increases the

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\(^8\) Wadia Angela, “Global Sourcebook on Right to Information”, 1\(^{st}\) ed., Kanishka Publishers and Distributors, New Delhi, 2006.


understanding and wisdom of the people as regards this Act. He has presented the state rules, circulars, manuals, forms and registers. He writes about cases where appellate authorities imposed penalties on the erring information officers and granted to the offended information seekers costs and compensation as well. Also cases of compensation, where the information seeker is granted damages for the mental agony which he may have suffered in pursuing appeals. Finally, the author finds it necessary to note the question whether the Central Act only will apply in all states including those states which have already legislations governing the subject or those states will continue to apply their own state legislations? Therefore, as per the author, when Central Act occupies the entire field of the Right to Information, the Central Act will only apply and not the State Acts.

Mishra Sudhansu\textsuperscript{11} has presented research papers which give the scope, different provisions, strengths and shortfalls of the RTI Act. The book also gives valuable suggestions to make the common man partner in the development efforts for rural India. It brings out the origin and history of right to information necessary to understand the requirement for a community and analyses the movements for right to information in India. An attempt has been made to trace the origin and brief history of Right to Information Act and to critically analyze its impact on Indian democracy. Considering the importance of RTI Act for sustainable rural development, many social scientists drawn from different faculties have presented their well-considered views on different issues pertaining to the development of rural economy. Based on both secondary and

primary data for investigation and action research, this book portrays the various aspects of RTI Act and its vital role in accentuating rural economy.

Goel S. L.\textsuperscript{12} a learned author has delved into the Right to Information from different angles – historical, legal, institutional, political, administrative and even futuristic. The book is not just a mere commentary on the Right to Information Act, 2005 with some introductory information; it approaches the subject in an extremely comprehensive manner. While good governance is the ultimate end of democratic polity, the right to information is a valuable instrument to achieve it. The exposition by Dr. Goel lucidly and authentically points out that right to information is not only of instrumental value, but has become a democratic value in itself. Besides an informative and detailed preface, he outlines the broad issues and then he discusses the democratic endeavour for and analysis of right to information and good governance. He discusses the scope of the law, the organizational structure for implementation and the limited experience gained during the working of this Act. He has attempted to make full use of whatever information has been made available to date on the working of the new information regime and has also raised certain issues himself.

Nagraj M. N.\textsuperscript{13} has given account different aspects of the Right to Information Act 2005 passed by the Government of India in which eminent authors have contributed their thoughts on the theme. The book is not just a mere commentary on the Right to Information Act, 2005 with some introductory information; it approaches the subject in


an extremely comprehensive manner. While good governance is the ultimate end of democratic polity, the right to information is a valuable instrument to achieve it.

Arora Krishan\textsuperscript{14} has explained all the sections of the Right to Information Act 2005 in short which is published in the form of bare act. It also gives rules regarding the right to information (regulation of fee and cost) 2005. Considering the importance of RTI Act for sustainable rural development, many social scientists drawn from different faculties have presented their well-considered views on different issues pertaining to the development of rural economy. Based on both secondary and primary data for investigation and action research, this book portrays the various aspects of RTI Act and its vital role in accentuating rural economy. The author has commented that the Official Secrets Act does not prohibit the giving of the copies of the statement of the witnesses recorded by the police, inquiring Magistrate or Trial Court to the accused. He further comments that the lawyer is not prohibited from inspecting the file and taking the statement and has a duty to show the same to the court concerned on demand.

Jain and Khurana\textsuperscript{15} have explained various aspect of right to information. The book covers historical development of right to information concept. It has clearly explained historical background of right to information freedom of information act and the main features of enactment in India. The book covers state wise implementation right to information act and its benefits to the society.


Arora Krishnan\textsuperscript{16} has edited several articles on the Right to Information Act 2005, it includes the preamble and all preliminary sections of the Right to Information Act. It has clearly defined the concept of right to information and obligation, on the part of public authorities to provide such information. The book also narrates procedural aspects of the right to information Act.

Acharya N. K.\textsuperscript{17} has given comments on right to information with examples of query and answers to the query. The book also gives explanations about the obligations on the part of public authorities and the procedure of disposal of request for information. There are examples on information asked and the information provided under the Act provisions. It brings out the origin and history of right to information necessary to understand the requirement for a community and analyses movements for right to information in India. An attempt has been made to trace the origin and brief history of Right to Information Act and to critically analyze its impact on Indian democracy. According to the author all the critics who are otherwise prone to criticize adversely any new enactment, have welcomed it. None have expressed any reservations or suggested any amendments of importance. The fact that some of the critics wanted that the Official Secrets Act should not have been in the Act, are only making mere suggestions which they know are not possible in the context of the needs of free, independent and efficient administration.


Noorani A. G.\textsuperscript{18} has contributed on articles on right to information in the book edited by Guhan S. on corruption in India. The book deals with several articles on corruption. However, the contribution on Noorani on Right to Information Act giving background of the act and other related information. The paper covers several sections of right to information Act with practical implications. The paper covers intelligent conclusions on the right to information. The book also gives valuable suggestions to make the common man partner in the development efforts for rural India. He gives valuable insights on the seminar organized by the Gujarat Daily Newspapers Association and various reports given by The Times of India, The Hindus, Indian Express, Freedom of Information and Expression in India, etc. He also gives an analysis of the Official Secrets Act, 1923. Only the latter of the act is discussed in his paper since its aim is to consider primarily the impact of this statute on the right to information.

Chandra U.\textsuperscript{19} has made efforts to update the book by incorporating the recent developments in the field of human rights law particularly Right to Information Act. The recent case law has been discussed at the appropriate places. The author believes that to strengthen the human rights regime in India, parliament has enacted the Right to Information Act, 2005. It is said to be the most progressive legislation ever passed by the Indian parliament. Its purpose is to secure citizens access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority has enabled the citizens to fight against corruption,


inefficiency and the arbitrary use of power by the public officials. The relevant provisions of the Right to Information Act, 2005 have been discussed in detail.

Shah Abhay\textsuperscript{20} compares the Right to Information Act, 2005 with the Freedom of Information Act, 2002. He gives detailed information on RTI Act and obligations of public authorities, the powers and functions of the Central Information Commission and the State Information Commission and the appeals and penalties. He has also included the Maharashtra Right to Information Act, 2002, the Freedom of Information Act, 2002 and the Official Secrets Act, 1923. According to him, in order to ensure greater and more effective access to information the government resolved that the Freedom of Information Act, 2002, enacted by the parliament needs to be made more progressive, participatory and meaningful. As per him RTI Act is an act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith or incidental thereto.

Acharya N. K.\textsuperscript{21} gives preliminary information on RTI Act and obligations of public authorities, the powers and functions of the Central Information and the State Information Commissions, appeal and penalties. He throws light on the Public Records Act, 1993 and the Public Records Rules, 1997. Along with the Official Secrets Act,


1923, he has included parts of the constitution of India, Indian Evidence Act, 1872 and Civil Procedure Code 1908. The author tries to bring one difficulty which requires to be solved at the earliest. Rulemaking power is conferred on the central government and state government simultaneously and independently. The RTI Act is a central legislation and it has to be enforced uniformly throughout India. When such be the case, the rule making authority granted to the state governments should have been made subject to the rules which may be made by the centre and any rule when made by the state if it conflicts with the central rule shall have a prior approval of the central government. As per him by and large the RTI Act is well conceived. It is seen to be of great assistance to the people in the present context of administrative deficiencies and deviations coming up for open debate, discussion or condemnation.

Jain N. K.\textsuperscript{22} has written the book with the object of making the information available on RTI to the common people in a simple language. His work attempts to outline the significance of the RTI, particularly in empowering ordinary citizens to combat state corruption and to play an important and active role in participatory democracy. The author has made efforts to present the discussion in clear, systematic and logical manner. He has dealt in short and brief, the evolution of the RTI and its position in other countries. Apart from these aspects, all the relevant legislations and the constitutional aspects also have been incorporated. He deals with the legal aspects relating to Freedom of Information and has incorporated other connected legislation.

Agarwal H. O.\textsuperscript{23} has dealt with the question of implementation of all categories of human rights. He has discussed international measures for implementation of human rights. He has referred to judicial measures which can be adopted at an international level for enforcement of human rights and offered various suggestions in the behalf including the creation of International Court of Human Rights and High Commissioner for Human Rights. The author has critically examined the provisions of human rights including RTI Act, 2005 and dealt adequately with measures adopted at the regional level for enforcement of these rights. The author throws light on many other rights including RTI which are contained in the covenant on civil and political Rights and are available to the citizens of India in spite of their not being specifically mentioned in the constitution. He informs that these rights which are not specifically provided in the constitution as ‘fundamental rights’ have been regarded as fundamental and are available to the individuals because of the bold interpretation given by the supreme court of those rights which are specifically provided in the constitution.

Shah Abhay M.\textsuperscript{24} has presented The Maharashtra Lokayukta and UPA – Lokayuktas Acts and Rules along with RTI Act, 2005 and the Maharashtra Right to Information Rules and Act, 2002. Under the RTI Act, 2005 he has given the powers and functions of the Central Information Commission and State Information Commission and the appeal and penalties. Under the Maharashtra Right to Information Act, 2002, he has given the procedure of getting information the severability, appeals and penalty. Also the repeal of this act is given. The Maharashtra Right to Information Rules are presented


along with the procedure for designating Public Information Officers. It also explains the procedure for filing an appeal and maintenance of register by Public Information Officer.

Sabnis S. N. 25 has given preliminary information on Right to Information Act, 2005. He brings out the obligations of public authorities and powers and functions of the State Information Commission and the Central Information Commission and also the appeal and penalties. As a part of Chapter VI, the author has provide information on the ‘Protection of action taken in good faith’ and monitoring and reporting formats.

Karkhanis Nandakumar 26 has given the complete account of Right to Information Act 2005 in local language so that information act is easily understood by the people in Mumbai Metro Region. He discusses the scope of the law, the organizational structure for implementation and the limited experience gained during the working of this Act. He has attempted to make full use of whatever information has been made available to date on the working of the new information regime and has also raised certain issues himself.

Verma Anuradha 27 gives a comprehensive guide to RTI Act for Public Information Officers, First Appellate Authorities and other government servants. The author explains about RTI Act, its originate, criticisms and role of government servants in RTI Act. The book gives clear and detailed information on scrutiny on receipt of an application, processing of an application and invoking exemptions. It explains corruption, its types and gives illustrative cases on corruption and human rights.

Review of Literature

Verma R. K.\(^{28}\) has given an insight into the practical aspects of the Right to Information Law commenting precisely on the needs of the Public Information Officer and the information seeker alike. The book has been written in a simple and concise manner. The book is written with an aim to create awareness amongst the citizens and to provide immense assistance to the various Public Information Officers and Appellate Authorities of the different public authorities. The book is also useful to private organizations to ascertain their liabilities under the act and the applicability to them.

Puri V. K.\(^ {29}\) has written a simple book of RTI Act, explaining the law and procedure relating to Right to Information in a coherent manner and logical sequence. The book explains the subject with the help of examples, specimens and references, etc at all places wherever necessary. It keeps abreast the readers about the fundamentals underlying the law and the role and functions of the various authorities under the Act, particularly the Information Commissions, and the main supervisory and controlling body. The book is helpful for various public authorities and officials concerned in implementing the law in their respective jurisdiction.

Paul Samuel\(^ {30}\) has given an extensive commentary and economic and political weekly on Right to Information for citizens of the country which pertains to election of candidates for parliament. The commentary takes the review of supreme court verdict upholding the constitutional right of people to know the antecedents of electoral


candidates which has been welcomed across the country. There are several steps taken towards giving concrete meaning to the Right to Information. It has narrated various tasks to be performed by the election commission regarding election of members of parliament.

Nigam Shalu\textsuperscript{31} explains that the Right to Information Act is a beginning of new era in our country providing Right to access information from public authorities by citizens. It gives the enforceable right to question, examine, audit, review and access government acts and decisions to ensure that these are consistent with the principles of public interest, probity and justice. The act promotes openness, transparency and accountability in administration by making the government more open to public security.

Kumar P. S.\textsuperscript{32} explains various issues relating to information and communication as a science which include data, information, knowledge, etc. The exposition by Kumar P. S. lucidly and authentically points out that right to information is not only of instrumental value, but has become a democratic value in itself. Besides an informative and detailed preface, he outlines the broad issues and then he discusses the democratic endeavour for and analysis of right to information and good governance.

Pandey Ajay\textsuperscript{33} has narrated aspirations of the Right to Information Act which has brought accountability and transparency among government organizations. The author


states that the Act needs to be amended to remove unjustifiable provisions as well as to include necessary provisions. The Act in its present form is capable of frustrating the objectives of good governance.

Nigam Shalu\footnote{Nigam Shalu, “Right to Information – An effective tool for empowerment, legal news and views”, A Social Action Trust Publication, New Delhi, January, 2006, Vol. 20 No.1.} explains that the Right to Information Act 2005 is a beginning of new era in our country providing right to access information from public authorities by citizens. It gives the enforceable right to question, examine, audit, review and access government acts and decisions' to ensure that these are consistent with the principles of public interest, probity and justice. The Act promotes openness, transparency and accountability in administration, by making the government more open to public security.

Kurien Jessy\footnote{Kurian Jessy, “Constructive Use of the Right to Information Act, 2005”, Legal News and Views, A Social Action Trust Publication, New Delhi, July 2006, Vol. 20 No.} has answered several commonly asked questions on constructive use of RTI Act 2005 in India for promoting transparency. Some of the questions are relating to disclosure of information by public information officer and appeal against this officer to the Information Commission. It brings out the origin and history of right to information necessary to understand the requirement for a community and analyses movements for right to information in India. An attempt has been made to trace the origin and brief history of RTI Act and to critically analyze its impact on Indian democracy.
Guhan S.\textsuperscript{36} explains how tackling corruption is not achieved in one-stroke but through a continuous and cumulative endeavor. He emphasizes on four approaches to tackle corruption. One consists of fundamental changes in the Constitution which would include appropriate checks and balances against the abuse of political power. The second would emphasize thorough deregulation and privatization of governmental activities. The third would argue for an extensive decentralization of governance so as to promote accountability and transparency at local levels in order to check corruption. The fourth would rely on an increased development of moral values among the people at large beginning with youth and focused on politicians and officials in particular.

2.3 Review of literature regarding socio-economic conditions of people

Times of India\textsuperscript{37} informs about the urban development ministry’s reply to a query by RTI activist S. C. Agrawal on pending rent dues towards people having occupied government premises after losing entitlement. In response to an RTI query, the estates department said that the Lok Sabha speaker Meira Kumar had occupied the bungalow since 1986 after the demise of her father. The department gave a list of people and dues against them for occupation of bungalows. The list shows Kumar has a pending rent of around two crores for which a bill has been issued.

Times of India\textsuperscript{38} in this article bring out a proposal submitted by People’s Union for Civil Liberties (PUCL) in 2007 to construct an overbridge in the Topdara -Jhonsganj

\textsuperscript{36} Guhan S. “Corruption in India – Agenda for action”, Vision Books, New Delhi, 1997.

\textsuperscript{37} Times of India, “L S Speaker Meira Kumar asked to pay Rs 1.98cr as house rent”, Times of India, New Delhi, November 23, 2011.

\textsuperscript{38} Times of India, “PUCL plea to Pilot to improve roads”, Times of India, Ajmer, November 21, 2011.
area and also an elevated road from Kaiserganj to Kachahri Road. Tripathi D. L. president of PUCL and the former collector had instructed officials to include the proposal in the Jawaharlal Nehru National Urban Renewal Mission project to provide facilities in the city. However, when he got the papers from ministry of urban development through RTI there was no mention of the project for the city. With chaos traffic situation of the city, the Peoples’ union for civil liberties is now taking up the issue of construction of elevated road and mono trains to union minister of information for states Sachin Pilot. PUCL demanded from the member of parliament of Ajmer to change the face of world famous tourist place.

Times of India\(^{39}\) in this article shows how the health department of the Pimpri-Chinchwad Municipal Corporation (PCMC) has denied allegations against it regarding irregularities in the purchase of garbage bins brought to light by a social activist using the Right To Information (RTI) act. However, as per a PCMC’s health executive officer, purchase of bins on both the occasions was done through open bidding, and thus there can be no irregularity and that the cost of iron, which is used to manufacture bins, has been fluctuating as a result of which the cost of bins is varying.

Times of India\(^{40}\) in this article brings out how the supreme court slapped additional fine for allegedly misused the RTI Act to target MCD officials. The NGO urged the court to order the MCD to initiate action against the owner of a property where he alleged large scale unauthorized construction exists. The court then asked the NGO to

\(^{39}\) Times of India, “PCMC denies RTI activist's allegation of irregularities in purchase of garbage bins”, Times of India, Pune, November 20, 2011.

\(^{40}\) Times of India, “NGO told to pay up again for Right to Information misuse”, Times of India, New Delhi, November 21, 2011.
submit proof of its allegations. The NGO couldn't, and the high court realized that it was a frivolous case.

Times of India\textsuperscript{41} in this article bring out how RTI activist Syed Abbas Mehdi launched a hunger strike at Indira Park in solidarity with the shia community's plea for government grant for pilgrimage to Iraq, Iran and Syria. Although he along with other protesters cleared the grounds in accordance with the orders, he is planning to continue the strike. He threatened to begin an indefinite hunger strike if the government fails to redress the community's demand within a month.

Gopalakrishnan S.\textsuperscript{42} disapproves the idea of bringing corporates under the ambit of the Right to Information Act by saying that they were already accountable to several regulators in the country. He was responding to a query on whether the Indian corporates should be brought under the purview of the Right to Information (RTI) Act. Stating that public companies are answerable to many regulatory bodies, Gopalakrishnan said any decision with regards to the expansion of RTI jurisdiction to cover companies should be taken very carefully. He further pointed out that the RTI was created for a specific purpose to bring in certain level-playing field between citizens and the government. But to expand that and beyond that should be done very carefully. Infosys is reluctant to be included under the RTI as there are so many regulatory bodies and the investors can get information about companies through these bodies. Thus he indicated that the RTI may create constraints for companies.

\textsuperscript{41} Times of India, “Activist begins strike for Shia cause”, Times of India, Hyderabad, November 23, 2011.

\textsuperscript{42} Gopalakrishnan S., “Bringing companies under RTI is not good idea: Infosys”, Times of India, Chandigarh, November 23, 2011.
Rohtaki Hina\textsuperscript{43} brings out a query filed by a resident in Chandigarh. The RTI reply said that the officials in Panchkula and their relatives bought the gold at a lower price than that prevailing in market at the same price till March 15, 2007. That was done despite the fact that in 2006, board’s accounts officer had proposed to that the rate of the coins be increased. The reply mentions that as per the findings of a vigilance bureau report, which says that by doing so, officials made the board suffer a loss of around sixteen lakh rupees.

Sabnis Vivek\textsuperscript{44} gives information on how Anna Hazare as social activist waits for the government to meet his demand for the passage of the Jan Lokpal bill of parliament who is also working towards spreading awareness in the country on the proposed legislation that will arm an ombudsman with extensive powers to check corruption. The Bhrashtachar Virodhi Jan Aandolan Trust (BVJAT) coordinator Shankar Tadakhe said Hazare was skeptical about the Jan Lokpal bill getting approved and further commented that the first RTI bill was approved in 2000 but was opposed by Hazare himself because it did not cover his demands. If the same thing happens with Jan Lokpal Bill, he may even restart his nationwide agitation.

Biswas Pratha Sarathi\textsuperscript{45} highlights the decision taken in the recently concluded Chief Information Commissioner’s (CIC) conference in New Delhi. Three of Pune’s practices like special appeal disposal programme, open days at government offices and

\textsuperscript{43} Rohtaki Hina, “Officials fleece shrine of gold”, Times of India, Panchkula, November 22, 2011.

\textsuperscript{44} Sabnis Vivek, “Anna to send 34 ‘Jan Lokpal missionaries’ across nation”, Times of India, Pune, November 22, 201.

\textsuperscript{45} Biswas Pratha Sarathi, “Pune is RTI role model”, DNA, Pune, October 24, 2011.
the unique RTI library at the Pune Municipal Corporation (PMC), under the RTI Act, 2005 will act as role models for the country. The conference, an annual event, is attended by the CICs, RTI activists and legal experts across the country. During the conference, the CICs made presentations about methods adopted by them in their states for proper implementations of RTI and to reduce the pendency of second appeals. After presentation about the RTI library in the PMC, the CIC of Bihar had expressed his willingness to emulate the same in Bihar. The number of RTI applications and the second appeals have gone down drastically for the departments after following the practices.

DNA Agency\textsuperscript{46} has gathered reaction of Puneites about the government’s bid to bring the Board of Control for Cricket in India (BCCI) under the umbrella of the national sports federations (NSFs) and ensure transparency in the functioning of all sports bodies. Some are of the opinion that an autonomous body like the Board of Control for Cricket in India (BCCI) is free to take timely decisions and help in resolving matters immediately. If the BCCI comes under the ambit of the Right to Information Act, 2005 (RTI), there might be a lot of procedural delays. Some are of the opinion that bringing the BCCI under RTI will improve things, as everyone on the board will have their say while making decisions.

DNA Agency\textsuperscript{47} has brought our attention to a book ‘2G Bomb - RTIs shook North Block’, written by advocate Vivek Garg which is a compilation of letters from Members of Parliaments, former and present ministers and Prime Minister Manmohan

\textsuperscript{46} DNA Agency, “Can BCCI duck RTI bouncer?”, DNA, Pune, August 31, 2011.

Singh among others on the 2G issue. The surfacing of a note of the Finance Ministry got by Garg through an RTI application had caused ripples in the UPA government. The note had said that the then Finance Minister P Chidambaram could have avoided the scam had he insisted on auctioning of spectrum.

Rao Parsa Venkateshwar\(^48\) brings before us views of Arvind Kejriwal, a key member of Anna Hazare’s close-knit team. As per Arvind Kejriwal, his team is not against the congress per se, but is campaigning against the party in Hisar by-poll only to pressure it to bring in a strong Lokpal. Speaking to DNA in Hisar, the civil society activist says one reason their fight for Lokpal has not succeeded like the RTI movement is that Sonia Gandhi has been silent on the issue, while she favoured the Right to Information Act. When asked about his involvement in the civil society movement fighting for the Right to Information and why he thought that their team has succeeded with the RTI and not with the Lokpal, he answered that it was because Sonia Gandhi was fully in favour of the RTI Act. She put her weight behind it. But she was silent on the Lokpal.

Sharma Pankaj\(^49\) brings to notice that according to official statistics tabulated by the personnel, public grievances and pension ministry, the funds earmarked for the propagation of the RTI scheme have been grossly underutilized. An analysis of the government spending on propagating RTI showed a consistent decline. The UPA government appears to have put its most vocal campaign the Right to Information Act on


\(^{49}\) Sharma Pankaj, “Centre stingy with use of RTI publicity funds”, DNA, New Delhi, October 27, 2011.
the silent mode. This comes in the backdrop of growing clamour within a section of the government to review the Act. The RTI Act, which was enacted in 2005, has been the main factor behind major scams exposed in the last couple of years. Expressing his concern over under utilisation of funds, information commissioner M. L. Sharma demanded an increase in the allocation of funds for the propagation of the Act to help realise its true potential. He added that proper and sustained information on the Act and its use has to be the top priority to ensure that the Act reaches every home in the country.

Madhusoodan M. K.\textsuperscript{50} brings to notice that a right to information activist and trade union leader Ali has complained to the police commissioner that a corporator had issued death threats to him, since he had intervened in a land dispute in Siddapura. The corporator refuted the charge, saying he and the RTI activist were family friends and that he suspected some motive behind Ali’s move of submitting an RTI application against him.

Gupta Harish\textsuperscript{51} makes us aware that several members of the National Advisory Council (NAC) have strongly criticised the government for keeping the CBI out of the ambit of the Right to Information Act. Aruna Roy, a member of the NAC headed by Sonia Gandhi who doggedly fought for the enactment of the Right to Information was enraged over government decision to exempt CBI to provide information. Roy is the third NAC member to have strongly opposed the cabinet move. She said that on one hand

\textsuperscript{50} Madhusoodan M. K., “Bangalore corporator threatens RTI activist over land dispute”, DNA, Bangalore, May 10, 2011.

\textsuperscript{51} Gupta Harish, “CBI out of RTI ambit: NAC will lodge protest with UPA”, DNA, New Delhi, June 22, 2011.
the government talks about transparency and accountability and on the other make such amendments to an existing law without proper consultations.

Times of India\textsuperscript{52} in this article points out how congress dismissed L. K. Advani’s charge of UPA being the ‘most corrupt government’, calling his nation-wide yatra as mere ‘lip service’ and an attempt by the BJP veteran to remain ‘afloat’ in his party. As a reaction to Advani’s remarks, congress cited dual tax avoidance agreement, RTI, bill on judicial accountability and the proposed public procurement policy as concrete measures by congress-led UPA government to tackle corruption. On the conclusion of his yatra Delhi, Advani had accused the UPA government of lacking political will to fight graft and said the only route to end corruption was through ‘public awakening or a change of government’.

DNA\textsuperscript{53} brings to light the murder mystery of activist Nadeem Saiyed. Mehboob Senior, who was arrested in connection with his alleged threat call to slain activist Saiyed, told the Gujarat University police that he called up Saiyed to stop him from extorting money from Naroda Patia riots accused. The revelation is in stark contrast to the Saiyed had portrayed of himself. He was well known as a social and RTI activist after becoming a key witness in the Naroda Patia massacre post-Godhra carnage.

\textsuperscript{52} Times of India, “Yatra a bid by L. K. Advani to stay afloat: congress”, Times of India, New Delhi, November 21, 2011.

\textsuperscript{53} DNA Agency, “Slain RTI activist Nadeem Saiyed an extortionist?”, DNA, Pune, October 13, 2011.
Thite Dinesh⁵⁴ informs that the increase in number of Right to Information applications made to the Pune Municipal Corporation (PMC) has slowed down and civic officials attribute the trend to proactive disclosure of information by the PMC. Due to measures like Right to Information library where all important documents of the PMC are made available, so that people can easily access them. Also, the initiative of Open Day by which citizens can access PMC documents without prior notice has helped citizens. The RTI library of the PMC inaugurated by noted RTI activist, Arvind Kejriwal, is an open library accessible to anybody. As per Thite Dinesh in 2008, there were 308 first appeals in the PMC and the number increased to 486 in 2009. The number of first appeals increased to 553 in 2010. But in 2011, the number declined to 403.

DNA⁵⁵ writes on the investigation of the murder of RTI activist Nadeem Saiyed. In the investigation the Gujarat police questioned gangster Mehboob Senior. During the probe, crime branch officials found that Senior had called Saiyed four months ago and threatened him. To get some leads about the motive behind Saiyed’s murder, the crime branch grilled Senior regarding the threats he had made to him. However, Senior told the officials that he had only ‘requested’ and not threatened Saiyed to pull his hand out of the Naroda-Patiya case. Senior also told the officials that he had nothing to do with the activist’s murder.

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⁵⁴ Thite Dinesh, “RTI library, open day play their role”, DNA, Pune, October 13, 2011.

⁵⁵ DNA Agency, “Slain RTI man Nadeem Saiyed was threatened by goon”, DNA, Ahmedabad, November 20, 2011.
Swamy Chaitanya\textsuperscript{56} informs that Right to Information activists have demanded abolition of chief minister’s powers to denotify land in the aftermath of allegations of such authority being misused by ministers. As per the president of Bhrashtachara Virodhi Ranga (BVR) crores had been looted due to the misuse of this power. BVR is an organisation that works in the field of Right to Information and fights against corruption. The organisation further demanded that the state government form a committee, comprising judges, opposition and ruling party leaders, to monitor the process of land denotification.

DNA\textsuperscript{57} brings before us that Union Sports minister Ajay Maken hoped to get the national sports bill passed by parliament and pointed out that the Board of Control for Cricket in India (BCCI) should come under the Right to Informational Act for their own benefit. Maken further told the reporters that when we talk about transparency and the RTI, it is about all the sixty-six sports disciplines including the BCCI. It is public money that they are dealing with and they should come out clean for their own benefit. Otherwise there will be a question mark on whatever good work they have done in the past. However, it is a challenge for Maken to lay the revised sports bill before the cabinet, which had earlier rejected by the parliament.

Banerji Rishi\textsuperscript{58} brings to notice how a Mumbai RTI activist Santosh Tiwari was abducted and thrashed by a gang. He has blamed former chief minister Ashok Chavan

\textsuperscript{56} Swamy Chaitanya, “Abolish CM’s power to denotify land: Karnataka RTI activists”, DNA, Bangalore, October 28, 2011.

\textsuperscript{57} DNA Agency, “BCCI has to come under RTI for their own benefit”, DNA, New Delhi, November 14, 2011.

\textsuperscript{58} Banerji Rishi, “Mumbai RTI activist left in Surat after abduction”, DNA, Surat, October 16, 2011.
and his associates, saying it was because he refused to take back his RTI applications. He also alleged that his RTI application regarding the ownership of Ashoka Farm in Thane brought about the entire episode. He said the farm is worth crores and many top Mumbai politicians and the underworld are eyeing it.

DNA\textsuperscript{59} brings to notice how in view of the rising number of attacks on RTI activists, a Special Task Force (STF) is constituted by the Centre to strengthen the RTI Act. The STF was constituted by the Union government to monitor the implementation of the Act and to recommend measures for the protection of RTI activists. It has made several recommendations in its report on the issue of protection of RTI activists. It has recommended that where an activist had died because of the information he had sought, all the information sought by him should be made public. The STF has also suggested that civil society should be activated regarding the issue and the police be sensitized to the need for protection of activists. The STF has suggested that the National Human Rights Commission (NHRC) should be requested to take action on the complaints of attacks on RTI users and seek report from the concerned police regarding the progress of investigation in such cases. The commission should also give suitable directions to ensure the safety of the life and property of activists under threat, the report has suggested. The STF has also suggested that if an RTI user or activist is being threatened or attacked to prevent him from accessing information, Information Commissions may take cognizance of such complaints and conduct necessary enquiries. Further, the

\textsuperscript{59} DNA Agency, “Disclose all info sought by attacked RTI activists”, DNA, Ahmedabad, November 08, 2011.
commissioners should also ensure that the information for which the activist had been attacked or was threatened was made public at the earliest, the STF has suggested.

Biswa Pratha\(^{60}\) highlights the rising number of cases of blackmail of government officers by using the Right to Information Act, 2005 being reported in RTI circles. Members of blackmailer’s group file an RTI application with the village panchayat samiti. The information asked is normally voluminous and, after the application, the group demands money from the official to stop from going for first and second appeal. If the officer fails to succumb to the blackmail or refuses to comply, the same information is asked by other people at the same time to act as a pressure tactic. This results in the clogging of the appeal systems, with some people filing more than seven or eight appeals for the same case. Officers have been complaining about blatant blackmail by certain RTI users. Usually departments dealing with procurement and distribution of grants — such as agriculture and public distribution systems — are susceptible to blackmail. In many cases, the officers themselves have certain things to hide and thus refrain from lodging a complaint. Veteran activist Vijay Kumbhar has noticed this disturbing trend in the past few months. He suggested suo motu declaration of information to prevent blackmail by unscrupulous RTI users.

DNA\(^{61}\) informs that anti-corruption crusader Anna Hazare stressed the need for a strong Jan Lokpal Bill as an effective tool to tackle the corruption in the country. As per Anna Hazare the use of Right to Information Act, 2005 is not sufficient to tackle the

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\(^{60}\) Biswas Pratha, “RTI used to blackmail government officials”, DNA, Pune, March 22, 2011.

\(^{61}\) DNA Agency, “RTI Act toothless, can’t bite corrupt: Anna Hazare”, DNA, Pune, August 08, 2011.
serious problem. The RTI Act does not have the teeth to bite the corrupt and hence there is a need of a weapon like the Jan Lokpal Bill. A rally was organised by India Against Corruption (IAC) to Hazare’s village to express solidarity with the anti-corruption crusader for his forthcoming hunger strike at Delhi.

Mekhari Juwairia and Suraksha\textsuperscript{62} asserts how the Right to Information Act can be a potent weapon. It can make some practical concerns much easier to deal with. A coalition of civil society organisations in Banglore decided to get together and help ordinary citizens file RTI petitions to seek redressal of their grievances. Anyone interested in learning about the RTI was welcome to the meetings; and all those who needed assistance found help. In the year since the ‘RTI clinic’ as these meetings were called, started, more than 350 people have lined up for help. And several of these people have returned with success stories. Land encroachment, loss of property to road widening, lack of proper road connectivity or bus services—all these have cropped up. Among the most common complaints, however, are those that relate to land. A range of expertise is available at the RTI clinics: activists and experts, financial advisors, advocates, those specialising in labour issues, family counselors and education experts offer assistance. The services are voluntary, so the assistance comes at no cost whatsoever.

DNA\textsuperscript{63} informs how Nadeem Saiyed, a social worker known for his opposition to various illegal activities in Juhapura area of Ahmedabad, was hacked to death. Sources

\textsuperscript{62} Mekhari Juwairia and Suraksha, “These RTI warriors in Bangalore have been at it for a year now”, DNA, Bangalore, May 26, 2010.

\textsuperscript{63} DNA Agency, “Godhra riot witness, RTI activist Nadeem slaughtered”, DNA, Ahmedabad, November 06, 2011.
say that a crowd of around 200 people had gathered when Saiyed was attacked and butchered but no one came forward to help him. The outspoken Saiyed is believed to have fallen victim to people involved in cow slaughter and other illegal activities. As Saiyed was a witness of the Naroda Patiya riots, he was given special police protection. However, the policemen deployed for his protection were not escorting him at the time of the incident.

DNA\(^6\) states prime minister’s concern that RTI could end up discouraging honest, well-meaning public servants from giving full expression to their views. As per the prime minister taking a view that RTI should not adversely affect the deliberative processes in the government and we must also take a critical look at the exemption clauses in the RTI Act to determine whether they serve the larger good and whether a change is needed in them. He said that the government wanted to make RTI a more effective instrument for ensuring transparency and accountability in administration. He said the convention was taking place at a time when there was a vigorous ongoing debate on issues of corruption and governance. Since its enactment in 2005 by UPA, several instances have come up, wherein government had wanted to amend the RTI Act but due to timely intervention of activists all such attempts failed. A few months ago, there was a plan to limit an RTI query to one subject and two hundred and fifty words. However, it was shelved after RTI activists raised a hue and cry. Asked about PM’s call for critical review, RTI activist and team Anna member Arvind Kejriwal told DNA that India’s RTI Act is one of the finest in the world. It doesn’t require amendment. It only needs proper implementation.

\(^6\) DNA Agency, “Manmohan Singh joins the neuter RTI political club”, DNA, New Delhi, October 14, 2011.
Krishna R.\textsuperscript{65} brings to our notice an RTI query recently filed with the Department of Information Technology (DIT), by the Centre for Internet & Societies (CIS), a Bangalore-based NGO, asking for a list of websites blocked by the Indian government under the IT Act. The department handed them a list of eleven websites. It was just one department’s list, but this was the first time such a list was being made public. The executive director of CIS, Mr. Sunil Abraham said the information given was not comprehensive and they didn’t know who had ordered those blocks and that they will file another RTI application to get those details out. As of now, Indians enjoy considerably free access to information online, and the right to freedom of expression is protected by the Constitution. But there is a veil of secrecy when trying to find out what sort of information is being blocked online, who is doing it, and for what reason. The list of eleven revealed by the DIT is only representative, no one can even guess the real number because, well, there is no way of knowing when a website gets blocked.

Aggarwal Mayank\textsuperscript{66} informs that while some of its senior ministers rue over the ‘misuse’ of RTI, the centre has decided to take the success of the transparency law to the common man’s living room. A television serial, based on the common man’s success stories achieved through RTI, is being planned in co-ordination with Doordarshan. The show is being planned by the Department of Personnel and Training (DoPT), the centre’s nodal department for handling RTI related matters. A senior DoPT official told DNA that no doubt there are a few cases of misuse of RTIs. But when compared to the success the RTI has achieved in the last six years, the former stands nowhere. There are innumerable

\textsuperscript{65} Krishna R., “Bangalore-based NGO files RTI query asking list of websites blocked by Indian government”, DNA, Bangalore, May 18, 2011.

\textsuperscript{66} Aggarwal Mayank, “Coming soon: RTI's success story on your TV”, DNA, New Delhi, October 7, 2011.
stories where use of RTI has solved the common man’s problems and that the RTI has ushered in a new era of transparency in the last six years. However, it has still not reached the people living in the most distant or rural areas. The official added that they are already using advertisements on radio and television to sensitize people about the RTI Act. He further said that this serial would be over and above all those efforts, as half minute advertisements won’t be sufficient in creating awareness. It would also educate people about the methods of using the RTI Act.

Thite Dinesh\(^67\) states that although the Supreme Court (SC) ruled that students could verify their answer sheets under the Right to Information Act (RTI), 2005, a similar decision by Pune bench of State Information Commission (SIC) to allow students to get a copy of their answer sheets of SSC examination under the RTI Act has been stayed by the Bombay high court. The case is pending before the high court. The apex court has said that the university and board examinee could see his/her copy under the RTI Act. The SC rejected an appeal filed by the CBSE, challenging a Calcutta high court order that had ruled that students could verify their answer sheets. The students had moved the court after the information commissioner struck down their request to go through their answer sheets under the RTI Act.

Meitei Dayananda\(^68\) gives information that the Union ministry of personnel, public grievances and pensions had given the task of designing the RTI logo to Tarun Deep Girdhar, a faculty of National Institute of Design. On learning about the

\(^{67}\) Thite Dinesh, “Students can verify their answer sheets under RTI”, DNA, Pune, August 11, 2011.

\(^{68}\) Meitei Dayananda, “RTI logo leads to RTI! Activists question selection process, seek info”, DNA, Ahmedabad, September 9, 2011.
development through media, a city-based social activist filed an RTI application seeking clarity on why the project of designing the logo was assigned only to one individual or institute and not thrown open to public competition, like in the case of the rupee symbol. The RTI Act has been introduced to empower the public. But, ironically, the opinion of the masses was not sought while creating the logo. This RTI application filed raised several questions, like whether any advertisement was placed in any newspaper about the logo, which agencies were contacted, whether the process involves common people’s opinion at any instance, who chose the final logo and what were the responses received, etc. It also asked about the total expense incurred in developing the logo. Another RTI activist shared similar views saying that the RTI is for the people, for their benefit. However, the way in which the logo has been developed has defeated the very objective of having it.

DNA\textsuperscript{69} informs us that one of the guidelines in the proposed National Sports Development Bill is that all National Sports Federations come under the Right to Information Act and this also includes the Board of Control for Cricket in India (BCCI). Maken felt that all sports federations are a repository of public trust and they have to be accountable. In reference to BCCI coming under the RTI Maken insisted that they will not allow sports federations to be not answerable to the public and that since the NSFs’ plea of not coming under RTI has been rejected by the Supreme Court, they will have all NSFs including BCCI under the RTI act.

\textsuperscript{69} DNA Agency, “We will have BCCI under RTI: Ajay Maken”, DNA, Bangalore, June 21, 2011.
Chellappan Kumar\textsuperscript{70} informs that a Chennai-based journalist has gone one step ahead and brought out a booklet named KD Brothers. The book is about Kalanidhi and Dayanidhi Maran, grandnephews of DMK patriarch M Karunanidhi and how they amassed wealth by political patronage and arm-twisting in the last seven years. Virudachalam Ambazhagan, the author claims that the Maran brothers made more than Rs.1000 crores through patronage and threatening. They broke and bent laws to suit their convenience to make crores. Business rivals were either smoked out of their enterprises or forced to pay obeisance to their Sun TV Group, India’s largest satellite TV network. Ambazhagan collected all information about the activities of the Marans through the Right to Information Act. The book gives a detailed account of how the Marans registered 13 companies on a single day.

Times of India\textsuperscript{71} states that observing that the RTI Act is an effective device for making government transparent, BJP leader L. K. Advani criticised Prime Minister Manmohan Singh’s statement favouring a critical look at the law and said his party was opposed to any such move. Advani said that only sometime back the government had showered praise on the RTI Act, saying it had brought transparency. He said the Prime Minister had made his comments at a time when nobody was complaining about the RTI Act. Criticising the government, the BJP leader said he had never seen a government more corrupt and more dysfunctional and paralysed than this government.

\textsuperscript{70} Chellappan Kumar, “RTI-based book claims to expose Rs.1000-crore Sun TV empire”, DNA, Chennai, July 20, 2011.

Times of India\textsuperscript{72} have expressed some Union ministers concern that the RTI Act is affecting government's functioning. Minister of personnel, public grievances and pensions V Narayanasamy replied in the affirmative on a query in the Rajya Sabha regarding concerns raised by ministers on the RTI Act affecting the government's functioning. When asked about bureaucrats expressing apprehension about putting their views on controversial issues because of the RTI Act, the minister said that some concerns have been expressed that the improper use of Right to Information Act and indiscriminate and impracticable demands for disclosure of sundry information unrelated to transparency and accountability in the functioning of public authorities may adversely affect the efficiency of administration.

Times of India\textsuperscript{73} informs that the Central Information Commission has directed the Ministry of External Affairs to comply with the norms of statutory suo-moto disclosures to be made under the Right to Information Act. The move comes following a complaint that some information given on the ministry’s website under Section 4 of the RTI Act, which relates to proactive disclosures by a public authority, was not complete and comprehensive. Complainant Saurabh Sharma alleged that the ministry did not disclose complete information about the powers and duties of its officers and employees, the prescribed norms for the discharge of its functions, a directory of its officers and employees; the monthly remuneration received by each of its officers and employees and particulars of recipients of concessions, permits or authorizations granted by it.

\textsuperscript{72} Times of India, “RTI Act affecting government's functioning?”, Times of India, New Delhi, December 9, 2011.

\textsuperscript{73} Times of India, “MEA asked to comply with RTI Act”, Times of India, New Delhi, November 16, 2011.
mandated under the section 4 of the RTI Act on its website as well as in hard copy form. He directed the external affairs secretary to send a compliance report.

Times of India\textsuperscript{74} write on Aruna Roy, the founder of Rozgar Evum Suchna Ka Adhikar Abhiyan that she has opposed to any amendment to the RTI Act. The Abhiyan, in an internal meeting, has decided to hold demonstrations and meetings to spread the word and halt any move to this effect. Recently Prime Minister Manmohan Singh had expressed views that the RTI Act was adversely affecting deliberations in the government and deterring honest officials from expressing their views on file. Even Law minister Salman Khurshid had felt that not only the government but even the judiciary was experiencing difficulties due to the act and so there was a need to amend the Act. Later, however, he clarified that the government was not planning to take a relook at the Act.

Chetan Chauhan\textsuperscript{75} informs that India’s transparency law - the Right To Information Act - will not change but the government wants to restrict its applicability to some areas of sports and nuclear safety through other laws. The government also intends to amend the RTI law to exempt the proposed nuclear energy regulator - the National Nuclear Safety Authority - from the ambit of the transparency law. The draft nuclear safety authority bill approved by the cabinet intends to list the authority among government bodies such as the Central Bureau of Investigation, which are to be taken out of the purview of the transparency law. In addition, the bill seeks to amend the RTI law

\textsuperscript{74} Times of India, “Amendment to RTI Act opposed”, Times of India, Jaipur, October 19, 2011.

\textsuperscript{75} Chetan Chauhan, “New laws to get around Right to Information act”, Hindustan Times, New Delhi, October 17, 2011.
to prevent seeking of information on the grounds of the larger public interest. The RTI law provides for waiving exemption clauses if there is evidence to claim that providing information would be in the public interest.

Times of India\textsuperscript{76} brings out the allegation put forth by BJP that the government was ‘scared’ of the RTI Act, and slammed the PM’s statement favouring a ‘critical look’ at the transparency law and warned that any attempt to dilute it would be opposed across the country. The party also charged Prime Minister Manmohan Singh of giving indications on dilution of the Right to Information Act and warned the government that any such attempt would be opposed across the country. Terming the PM’s statement as ‘very objectionable’ and which no other PM has ever said, BJP said that it was a matter of concern, as the PM is talking in complete contradiction to the very tenet of the Right to Information Act.

2.4 Review of literature regarding RTI in Mumbai Metro Region

Shah Jumana\textsuperscript{77} brings in light the story of activist Nadeem Saiyed's murder who articulated the injustice and complained to the police. He has explained how in broad daylight, an armed attack was done on the whistleblower at a crowded marketplace leading to his cruel death. Nadeem was an RTI activist and a crucial witness in a case of the post-Godhra riots. The threat to his life was identified and 24 hour police protection was provided since last two years. Yet he was brutally killed amidst a huge crowd.

\textsuperscript{76} Times of India, “Govt scared of RTI Act, says BJP”, Times of India, New Delhi, October 15, 2011.

Gangan Surendra\textsuperscript{78} informs that the state government has decided to launch a dedicated RTI portal to facilitate speedy disposal of information. The portal will inform applicants about the progress of their pleas. Many public information officers (PIOs) and appellate officers have ambiguity about rules and regulations over provisions in the RTI Act. It becomes impossible to pass the ruling in such a scenario. In some cases, they are fined just because they are not aware of provisions and are targeted by RTI activists. There are nearly 12,000 appellant authorities in the state and it becomes difficult to conduct training programmes for them. The portal will support us in keeping them informed and also train them online.

Joglekar Yogini\textsuperscript{79} gives an insight on how citizens should get themselves acquainted and understand more about the RTI Act. In order to get accurate responses, citizens are expected to file the RTI request appropriately. It is very essential to know how to formulate specific queries and the correct format and method for applying for it. She gives a link which will help people draft their RTI application in the appropriate manner. The formats can be seen at http://tinyurl.com/RTI-Application-Formats. The site gives a guideline to file for RTI accurately. They have proformas for filing RTI application for various subjects like officer’s appointment, promotion or transfers, prisons and under trials, implementation of court orders by police, road digging, passport inquiries, etc.

\textsuperscript{78} Gangan Surendra, “Maharashtra government launches RTI portal for speedy disposal of info”, DNA, Mumbai, November 15, 2011.

\textsuperscript{79} Joglekar Yogini, “RTI Act: How to milk the right information”, DNA, Mumbai, May 13, 2011.
DNA\textsuperscript{80} shares information about a move that caused embarrassment to the Goa Raj Bhavan. The Goa bench of the Bombay high court ruled on Monday that the governor of Goa was a public authority and did come within the ambit of the Right to Information Act (RTI). The Goa Raj Bhavan, in its petition, contended that the governor was not a “public authority” and hence did not come under the purview of RTI. The Raj Bhavan had also contended that the Goa State Information Commission had not been properly constituted and that the state chief information commissioner could not have heard matters in the absence of another information commissioner. Pronouncing the much-awaited judgement, the HC held that the governor enjoyed no immunity from RTI and that the Public Information Officer at the Goa Raj Bhavan was duty bound to furnish information sought under the RTI Act.

Choudhury Sunetra\textsuperscript{81} informs us about the file-snatching. As the term implies, it refers to surreptitiously obtaining official documents to expose a story. And because it involves taking documents without permission, it is in the ethical grey area but it has always existed with the objective of revealing the higher truth of journalism, for public interest. She questions the journalist as why would they spend endless hours befriending a clerk so that he lets you have a look and copy papers from a file, when all they could do is ask for the papers themselves by filing an RTI? Why would they want to depend on some angry officer who wants to leak papers because he has an agenda and leave themselves open to allegations of being a ‘plant’? Why should they employ any of the sneaky business when RTI gives us documents whose authenticity is undeniable?

\textsuperscript{80}DNA Agency, “Goa governor comes under RTI, rules HC”, DNA, Mumbai, November 17, 2011.

\textsuperscript{81}Choudhury Sunetra, “Has RTI’s success killed the art of file-snatching?”, DNA, Mumbai, October 1, 2011.
DNA Agency\textsuperscript{82} brings to our notice four RTI activists who have been butchered and six who have escaped murder attempts, as authorities continue to wink at the culprits. DNA profiles the heroes who are fighting a not so appreciated battle for upholding democratic values. The activists had moved several RTI applications seeking information about a company’s environmental clearance, about various schemes for farmers in his village and their rights, about construction of an allegedly illegal restaurant and bogus license issued by Regional Transport Office (RTO) to bike vendors.

Choudhary Sunetra\textsuperscript{83} has a suggestion for the people who make greeting cards. They should start a new series of cards that will celebrate the truly indigenous instead of stealing yet another alien festival. That weekend marked the anniversary of the Right to Information Act and her pitch to Archies or Hallmark was for them to start a Happy RTI Day’ series to mark six years of free flow of information. She further asserts that the companies may be hesitant to take up her suggestion seeing that the consumers of such cards may not necessarily be the demographic that uses RTI. But, she thinks, her idea will have a few takers in the government or at least in one of their wings like the Department of Audio and Visual Publicity. As after all, they did decide to honour the anniversary with the release of audio recordings of the meetings of the Lokpal Bill’s joint drafting committee.

\textsuperscript{82} DNA Agency, “RTI activists have always been targeted in Gujarat”, DNA, Mumbai, November 6, 2011.

\textsuperscript{83} Choudhary Sunetra, “This weekend, get ready to wish Happy RTI Day”, Times of India, Mumbai, October 15, 2011.
Kalra Rajesh\textsuperscript{84} has reacted at the claims made by Vinod Kambli that something was ‘amiss’ when India decided to field first against all advice in the 1996 world cup semi-final against Sri Lanka in Kolkata. The writer further asserts that for a game that is followed so passionately in the country, where the players are treated at par, or more, than even the film stars, one deserves to know the truth. And it is for this reason as per him that the sports ministry’s move to bring the cricket board under the purview of RTI is the correct one.

Roy Manorajan\textsuperscript{85} who is an RTI activist sought information on the gold imported, produced and exported out of the country from 1996 to 2010. According to him in a complex investment world, gold is a safe bet for investors, especially for the middle class and that the government must ensure that there is a check on the quality of this metal. The article further says that whether it’s the average Indian woman's craving for gold or the Indian government’s investment in the yellow metal, both have paid off with a vengeance in the days of soaring gold prices.

Holla Anand\textsuperscript{86} has tried to expose allegations of misconduct against Ramanand Tiwari the Ex-State Information Commissioner, who had dismissed an RTI appeal of a youth seeking his society’s documents, the order uploaded on the official website says the appeal was allowed. Holla Anand has tried to bring out how State Information

\textsuperscript{84} Kalra Rajesh, “Shouldn’t we know why Azhar and others were banned in the 90s?”, Times of India, Mumbai, November 23, 2011.

\textsuperscript{85} Roy Manorajan, “Value of Indian gold quadruples in fifteen years”, Times of India, Mumbai, November 21, 2011.

\textsuperscript{86} Holla Anand, “Ex RTI Boss’s 2008 order turns up in IPL”, Mumbai Mirror, December 11, 2010.
Commission’s stonewall information and the illegal appointments of such SICs should be controlled.

Saraph Anupam87 writes about Bhausaheb R Wakchaure, Shiv Sena MP from Shirdi, who introduced a private members bill proposing that information requested under the RTI can be denied to applicants who do not state the reason they require the information or it is the opinion of the competent authority that reasons given by the applicant are not adequate or are factually incorrect. Saraph Anupam is of the opinion that the proposed bill will destroy any illusions of the government’s intentions to deliver transparency and particularly to provide rights. It will destroy any doubts that the RTI is really a privilege to information act and fails to deliver a right as much as it fails to deliver information. He further asserts that the RTI Act relies on the patience, understanding, resources, persistence and courage of the information seeker to appeal to the appellate authority or the information commissioners. The excellent track record of the appellate authorities and State Information Commissions (SICs) at usurping the right by disposing appeals and complaints without ensuring the protection of the right or delivery of the information speaks volumes for the failure of the government to deliver a right to information. A right is not actualised and implemented by the actions of others. A right is the power to act without the permission of others.

Mishra Lata88 from Times group gives information on how a Public Information Officer (PIO) have been served a memo for giving information related to utilization of

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88 Mishra Lata, “Gaikwad pulls up staff for giving info under RTI”, Mumbai Mirror, March 18, 2011.
the organization funds without the permission of head of the organization. It is further informed that none of the officials have the power to give a memo to any Public Information Officer (PIO) who has provided the information under the Right to Information Act.

Baghel Sunil\textsuperscript{89} gives information on how an RTI activist who had exposed various land scams, was brutally murdered. He also brings out how the killing coupled with the attack on other RTI activists, prompted the High Court to suo motu take up the issue of attacks on activists. The article also shows how even CBI hesitated to touch the issue because the parties involved appear to be very powerful financially and even otherwise.

Chaudhari Sachin\textsuperscript{90} has contributed an article on ‘Right to Information - slow progress’ an article stating the slow progress of right to information in India, and how people slowly understand the importance of Right to Information. So in spite of the slow progress accorded to the Right to Information legislation, empowerment and awareness campaign have made substantial gains in recent years. There is a need to further popularize this Act so that maximum number of people is benefited.

Sharma Tanu\textsuperscript{91} has given information on how Central Information Commissioner Satyananda Mishra has written to the Planning Commission suggesting that all future

\textsuperscript{89} Bhagel Sunil, “HC raps CBI in RTI case”, Mumbai Mirror, February 18, 2011.

\textsuperscript{90} Chaudhari Sachin, “Right to Information – slow progress”, Economic and political weekly, Sameeksha trust publication, Mumbai, December 2004.

\textsuperscript{91} Sharma Tanu, “Bring PPP under RTI”, the Indian Express, Mumbai, March 03, 2011.
contracts entered into by the government with a private firm under the Public Private Partnership (PPP) arrangement should be in the public domain and brought under the Right to Information Act. At present the Act does not refer to PPP entities or contracts. Mishra has in a recent letter addressed to the Planning Commission deputy chairman Montek Singh Ahluwalia, suggested that at the stage of proposal, the PPP agreement should be published on the department’s website. He urged the Planning Commission to consider that a PPP entity should be deemed to be a public authority for the purpose of RTI Act.

Kashyap Hemant\(^{92}\) gives information on how Umesh Reddy filed an RTI application to access all papers related to his case history. He plans to appeal to Human Rights commission, alleging that police are trying to frame charges against him. He wants to compare the charges against him with the crime he has actually committed with the complete address of the courts and police stations involved in all the cases. Kashyapa Hemant in this article is trying to show how those who are in jail can file an RTI application and study their own case.

Lekhi Meenakshi\(^{93}\) a lawyer lists three judgements that changed India, i.e. RTI and Disclosure of Assets, Article 377 and The Right to Food. She says a spate of scam is dominating the public discourse. With this backdrop in mind, People’s Union for Civil Liberties (PUCL) vs Union of India (RTI and Disclosure of Assets 2003) is a landmark


\(^{93}\) Lekhi Meenakshi, “Rulings that matterd, Times Life”, Times of India, Mumbai, December 26, 2010.
judgment which held that the voters had the right to know assets of the candidates contesting elections in India as part of Article 19.

Joshi Suresh\(^94\) has contributed a detail report on RTI in Maharashtra. He explains Maharashtra is ahead not only making use of RTI Act, but it is equally at pace in clearing the applications and solving the queries of people. About 94 percent of the applications are answered and cleared. He has given a very simple and meaningful table showing the statistics showing the performance of Maharashtra as compared to the Central Government. As per him the reason for excellent performance in Maharashtra is that the act itself is implemented in Maharashtra on 12\(^{th}\) October, 2005 i.e. before it was implemented by the Central Government.

Joshi Suresh\(^95\) has given information that Maharashtra is the number one state making use of the RTI Act, as compared to other states. Passport, ration card, approval of pension, slum rehabilitation, etc are the areas where RTI is extensively used in Maharashtra. It is suggested by him to include chapters on RTI in fifth and sixth standard school syllabus. He also informs in this article that it is unanimously decided to declare 28\(^{th}\) September as the RTI Day.

Kartikeya\(^96\) has explained how Mumbaikars are mastering the act of framing queries under the RTI Act to goad the civic authorities into action and how they hope to


\(^{96}\) Kartikeya, “Babus, beware here come the RTI grads”, Times of India, Mumbai, September 18, 2008.
become advisors and consultants to the wider citizenry. This group of Mumbaikars comprising twenty-five men and women are from various fields and have completed a certificate course from a south Mumbai college on how to use RTI professionally. The article also gives a brief on what is RTI Act.

Mumbai Mirror Bureau\(^97\) brings out how the RTI community is irked about a private bill seeking amendment to the RTI Act. The bill seeks for changes on two counts – every applicant must give reason while asking for information and secondly should give personal details so that he or she can be contacted. The RTI activists and others in the city who use the tool extensively have taken offence to the bill and have initiated a campaign. The bill seeks to nullify the biggest protection that the RTI Act gives to citizens, which states that an applicant making request for information shall not be required to give any reason for requesting the information. The proposed amendment seeks to shift the focus to the identity and motives of the RTI applicant. Such an amendment will encourage corrupt officers to hound the RTI applicants and deny information to them. As it is, attacks on RTI activists are on the rise. The logic behind introducing the amendment given is that some applicants seek information only to blackmail. The RTI supporters do not find any logic in this amendment.

Marpakwar Prafulla\(^98\) brings out the importance of purpose clause in Right to Information Act. Given the doubts raised by a section of chief ministers, the Centre is planning to amend the Right to Information Act to curb its misuse. In several cases,

\(^97\) Mumbai Mirror Bureau, “Activists cry foul over plan to blunt RTI Act”, Mumbai Mirror, Mumbai, October 18, 2011.

\(^98\) Marpakwar Prafulla, “Add purpose clause to RTI Act”, The Times of India, Mumbai, February 17, 2011.
information is used to settle personal scores by rival businessmen, builders and politicians. When the Democratic Front government promulgated an ordinance in 2004 to provide for right to information, it was specifically mentioned that a person seeking information will have to state the purpose for which the information is required. When the Centre enacted the RTI Act in 2005, this clause was removed. If the centre wants to curb misuse, it must include the purpose clause in the act.

Mumbai Mirror Bureau\(^99\) gives a reference to the illegal allotment of flats in the city. The Chief Minister’s Discretionary Quota Scheme has come under scanner for alleged illegal allotment of flats in the city. Information received under the RTI Act has revealed that though there are more than three thousand candidates on the waiting list since 1989. It is those with political clout who managed to get houses under the CM’s discretionary quota scheme. The RTI information reveals that there are sixty-two instances where two members of the same family are allotted tenements under the quota.

Mumbai Mirror Bureau\(^100\) states that in an attempt to bring in more transparency in the affairs of the Anti-Corruption Bureau, its bosses have decided to put up on the web all information relating to corruption cases it has worked out. The aim is to let the common man know the black sheep in bureaucracy who are facing action on graft charges. Earlier rulings by Information Commissioners at the state and the Centre have said that intervention from RTI judicial officers in providing relief to RTI applicants

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\(^100\) Mumbai Mirror Bureau, “Black sheep babus to be up on ACB site”, Mumbai Mirror, Mumbai, November 02, 2011.
could be minimal if government departments voluntarily put up on the web all information available with them.

Dwivedi Tarakant\textsuperscript{101} in Mid-day metro brings out an instance of political meddling in administrative matters – whether to gratify vote banks or for personal reasons – a Congress MLA and a local corporator tried to stop the demolition of n illegally constructed part of a Malad school. An RTI activist unearthed the duo’s intervention through an RTI query to the BMC. In its RTI response, the BMC first stated that school authorities had submitted some of the essential documents, and then cited letter from Congress MLA and local corporator, requesting the BMC to stop the action against the unauthorized construction at the school. The BMC further stated that the politicians argued that since a lot of children go to the school, it should be given some consideration on humanitarian grounds. It is shocking that an MLA and a corporator are protecting an illegal school on humanitarian grounds.

Maken Ajay\textsuperscript{102} takes a dig at BCCI saying that the cricket body has to come under RTI as it is run by public money. According to him the BCCI is one of the most efficient sports bodies in the country but there would be a question mark over its functioning if the cricket board does not come under the RTI Act. He urged the board to drop its opposition to the RTI Act for the sake of transparency. It is however a challenge for him to lay the revised sports bill before the cabinet, which had earlier rejected it.

\textsuperscript{101} Dwivedi Tarakant, “Netas help school break construction norms”, Mid-day metro, Mumbai, November 15\textsuperscript{th}. 2011.

\textsuperscript{102} Maken Ajay, “Maken takes a dig at BCCI again”, DNA, Mumbai, November 15, 2011.
Siddhaye Ninad\textsuperscript{103} informs that with the Private Public Partnership (PPP) model becoming the mantra for developing infrastructure projects across the country, noted RTI activist Anil Galgali has written a letter to the President of India, Pratibha Patil, demanding that all such private players be brought under the ambit of the RTI. In his letter he stated that there are chances that private companies may misuse the authority given to them while carrying out these projects and make money through illegal means. This can spread in many sectors to a large extent, creating ample room for scams and may even go out of control.

Shukla Ashutosh\textsuperscript{104} brings to notice that the purpose of the Right to Information Act will be defeated in Maharashtra if the state information commission does not get its act together quickly. The number of second appeals pending with the commission has been growing with each passing day. To know something under the RTI Act, a person has to file an application. If there is no response within thirty days or if the applicant is unsatisfied with the answer, he can approach the First Appellate Authority (FAA). If there is no/unsatisfactory response within forty-five days, he can directly approach the information chief. The process, known as second appeal in RTI parlance, has no time limit though. And this is the bottleneck adding to the delay. Vijay Kuvalekar, acting chief information commissioner said that they cannot avoid the delay because they are short-staffed. The RTI Act allows a state to have ten commissioners and a chief, but the Maharashtra government has sanctioned only seven and a chief. Of the seven, one has been suspended and two have retired. It is further stated that chief minister Prithviraj

\textsuperscript{103} Siddhaye Ninad, “Bring private infrastructure players under RTI, activist urges President‖, DNA, Mumbai, October 19, 2011.

\textsuperscript{104} Shukla Ashutosh, “RTI in state dying on second appeals‖, DNA, Mumbai, September 20, 2011.
Chavan is responsible for this mess. Neither did he appoint a new state information chief, nor did he replace those who have retired. There, obviously, is a problem of staff-shortage, which is worsening the situation.

Ved Kishorekumar\textsuperscript{105} brings to notice that information obtained from the Reserve Bank of India through an RTI query on banking fraud. He brings out an astonishing fact that private banks, known for their paragon approach and prompt services, are more prone to banking frauds. From the above fact, it will be convenient to conclude that security level of public sector banks is better than that of their counterparts. It is well known that with the advent of computerization and mobile banking services, cases of cyber-crime are on the rise. But with the RTI revelation, private banks need to ensure their banking systems are made more secure.

Gangan Surendra\textsuperscript{106} brings before us Anna Hazare’s allegation that the UPA government was undermining the civil society. Comparing the enactment process of Lokpal bill with that of the Right to Information Act, social activist Anna Hazare said that the pressure from the civic society will ensure that the landmark legislation comes through. He said the RTI Act was enacted only after the pressure from the civic society and if putting pressure on the government over Lokpal is amounting to the blackmail, he was ready to resort to such practices. He reiterated that he would go on the proposed agitation though the government has threatened to ‘crush’ it in the same fashion it did with Baba Ramdev’s agitation. Anna replied what government has stated is the act of

\textsuperscript{105} Ved Kishorekumar, “RTI query reveals dire facts on private banks”, Mid-day, Mumbai, January 10, 2012.

\textsuperscript{106} Gangan Surendra, “Anna Hazare wants Lokpal to go the RTI way”, DNA, Mumbai, July 10, 2011.
dictatorship. He also has made an appeal to the people to join the agitation as it is the ‘second movement for the independence’ and every Indian should fight in it.

Shukla Ashutosh\textsuperscript{107} writes about a landmark order which the state chief information commissioner told an applicant to pay for information that should have been given to him free of cost. Provisions of the RTI Act mention that an applicant cannot be charged for information if it is not provided within thirty days if there is no valid explanation given for the delay. An applicant also cannot be charged if he is not provided with any information at all. The RTI Act also states that the purpose for which the information is sought cannot be asked. Information commissioner Vijay Kuvalekar passed the order that though the information should have been given free as it was not provided within the stipulated time, in this case, the applicant will have to pay for it, as the applicant sought it for professional/commercial use.

Shukla Ashutosh\textsuperscript{108} writes that despite the order of providing readily available information at the Rs.2 for A3 and A4 size papers two BMC departments — Building Proposal and Assessor and Collector — were taking money from applicants for expenses that are to be borne by the BMC. These departments cited the BMC rules and their schedule of charges that existed prior to the Act. The RTI Act, however, overrides all other rules and any rules formed are only subservient to the main Act. Thus, the BMC departments should have charged RTI applicants as per the RTI Act and not as per their previous schedule of charges. BMC departments were charging certification charges at

\textsuperscript{107} Shukla Ashutosh, “RTI applicant to pay for getting information”, DNA Mumbai, October 10, 2011.

\textsuperscript{108} Shukla Ashutosh, “Will BMC loot on RTI applications come to an end?””, DNA, Mumbai, April 7, 2011.
Rs.50 per page. Inspection of documents, free for the first hour and then Rs.5 for every 15 minutes under the RTI Act, was being charged at the rate of Rs.230 in case of inspection of each property for one year as per scheduled charges. Officers arguing the case said that they were obeying their seniors who were responsible for levying charges.

2.5 Conclusion

Review of literature has helped the researcher to study the different dimensions of Right to Information Act and to gain a deep knowledge on this subject. It has helped to frame imperative questions to be asked to the citizens and officers, the responses of which has given a direction to this study. Thus a broad perspective was covered by the researcher by reviewing different books, journals and articles on Right to Information Act. This chapter has covered a summary of literature referred by the researcher relating to the field of study. Review of literature has helped the researcher to understand the research problem in a better way. Through review of literature, the researcher has made an attempt to study the various concepts and terminology of the research work carried out in the present study. Thus, in the present chapter various literatures related to the area of study have been reviewed to gain knowledge on the related aspects of the research problem so that the research study goes into the right direction.