CHAPTER - IV
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Implementation of Right to Information – Case Study (2000-2006)

Introduction:
Knowledge is power, so the 'information', raw material for knowledge, is also the power. The people have to be empowered with information of their rights and entitlements. The information is currency that every citizen requires to actively participate in the life, growth in and governance of the society. Right to Information is redefining relationships between the government and citizens. There was no effective system within governance, which could hold government officials accountable. The officials know very well that nothing could happen to them. Corruption is a business for corrupt government officials. The risks involved in this business are very low. If we have to make any dent, we would need to increase these risks. This is, precisely what Right to Information does. The evidence of corruption and inefficiency, which was hitherto hidden in files, comes to the public domain. The right to information not only exposes corruption, but also encourages people to actively participate in development process.

Maharashtra Right to Information Act:
The Maharashtra Right to Information Act 2000 (Detailed Act is included in the Appendix) was not so effective because it was mostly in favour of government officials. The people did not know about the Act. District collector was the public authority for the district thus there were
only 7 applications in Kolhapur district under Maharashtra Right to Information Act 2000.

The Maharashtra Right to Information Act 2002 that we have extensively used for little over two years and were very effective in implementation by the public authority.

There were 33,000 applications in Maharashtra under Maharashtra Right to Information Act 2002. The information was supplied in near about 29,000 applications. There were 3000 second appeals and in most of the appeals the applicant received information from the authority.

In 15% cases penalty was imposed by the 1st appellate authority. But II appellate authority i.e. Lokayukta had not imposed any penalty. According to their letter Reference No.MRTI/2/2005 dated 09.04.2005, there were 1609 appeals from different districts of Maharashtra as follows-

Table No.4.1

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Place</th>
<th>No. of Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mumbai</td>
<td>269</td>
</tr>
<tr>
<td>2.</td>
<td>Thane (including Navi Mumbai)</td>
<td>231</td>
</tr>
<tr>
<td>3.</td>
<td>Raigad</td>
<td>16</td>
</tr>
<tr>
<td>4.</td>
<td>Ratnagiri</td>
<td>07</td>
</tr>
<tr>
<td>5.</td>
<td>Sindhudurg</td>
<td>01</td>
</tr>
<tr>
<td>6.</td>
<td>Nasik</td>
<td>55</td>
</tr>
<tr>
<td>7.</td>
<td>Dhule</td>
<td>56</td>
</tr>
<tr>
<td>8.</td>
<td>Nandurbar</td>
<td>02</td>
</tr>
<tr>
<td>9.</td>
<td>Jalgaon</td>
<td>48</td>
</tr>
<tr>
<td>10.</td>
<td>Ahamednagar</td>
<td>58</td>
</tr>
</tbody>
</table>
Under Maharashtra Right to Information Act 2002, in Kolhapur city the number of applications were 607, in Kagal 27 and in Radhanagari 8. This Act allowed much more transparency than that allowed in other states. One of the unique provisions of the Act was that information will be

<table>
<thead>
<tr>
<th></th>
<th>City</th>
<th>Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>Pune</td>
<td>240</td>
</tr>
<tr>
<td>12.</td>
<td>Satara</td>
<td>57</td>
</tr>
<tr>
<td>13.</td>
<td>Sangli</td>
<td>58</td>
</tr>
<tr>
<td>14.</td>
<td>Solapur</td>
<td>45</td>
</tr>
<tr>
<td>15.</td>
<td>Kolhapur</td>
<td>56</td>
</tr>
<tr>
<td>16.</td>
<td>Aurangabad</td>
<td>40</td>
</tr>
<tr>
<td>17.</td>
<td>Jalna</td>
<td>04</td>
</tr>
<tr>
<td>18.</td>
<td>Parbhani</td>
<td>29</td>
</tr>
<tr>
<td>19.</td>
<td>Hingoli</td>
<td>02</td>
</tr>
<tr>
<td>20.</td>
<td>Beed</td>
<td>21</td>
</tr>
<tr>
<td>21.</td>
<td>Nanded</td>
<td>50</td>
</tr>
<tr>
<td>22.</td>
<td>Usmanabad</td>
<td>08</td>
</tr>
<tr>
<td>23.</td>
<td>Latur</td>
<td>08</td>
</tr>
<tr>
<td>24.</td>
<td>Buldhana</td>
<td>22</td>
</tr>
<tr>
<td>25.</td>
<td>Akola</td>
<td>56</td>
</tr>
<tr>
<td>26.</td>
<td>Wasim</td>
<td>12</td>
</tr>
<tr>
<td>27.</td>
<td>Amaravati</td>
<td>20</td>
</tr>
<tr>
<td>28.</td>
<td>Yavatmal</td>
<td>47</td>
</tr>
<tr>
<td>29.</td>
<td>Wardha</td>
<td>13</td>
</tr>
<tr>
<td>30.</td>
<td>Nagpur</td>
<td>46</td>
</tr>
<tr>
<td>31.</td>
<td>Bhandara</td>
<td>12</td>
</tr>
<tr>
<td>32.</td>
<td>Gondia</td>
<td>06</td>
</tr>
<tr>
<td>33.</td>
<td>Chandrapur</td>
<td>10</td>
</tr>
<tr>
<td>34.</td>
<td>Gadchirol</td>
<td>02</td>
</tr>
<tr>
<td>35.</td>
<td>Other State</td>
<td>02</td>
</tr>
</tbody>
</table>

Source of Table: Office of Lokayukta
available at every office right up to the village level. The Act stated in its
preamble that it is the bed-rock of democracy and can pave the way of
transparency, openness and accountability in governance of the affairs of
the state and ensure effective participation of the people in a democratic
society.

**Right to Information Act 2005:**

The Right to Information Act 2005 of Government of India became
fully operational from October 12, 2005 throughout the country. It is
applicable at two different levels - Central Government and State
Government - and these two operations are independent of each other.
Each has its different sets of public information officers and appellate
mechanism. Each has different appellate authorities and different
information commissioners. Dr. Wajahat Habibullah is the Chief
Information Commissioner. The Central Chief Information Commission has
no jurisdiction over the State Information Commission. Dr. Suresh Joshi is
the Chief State Information Commissioner. At present the Government of
Maharashtra appointed three State Information Commissioners for three
divisions of Maharashtra State i.e. Nagpur, Pune and Aurangabad. Shri
Gulabrao Patil, Shri Vijay Kuvalekar and Shri Bongre are the other three
State Information Commissioners appointed from January 2007 for the
division.
All that's Good about the Act –

• Inspection of documents and testing of samples allowed - Inspection of work, documents, records, taking notes, extracts and taking certified samples of material etc. is allowed. Notification No.R.T.I 2005/C.R. 315/05/5 dated 11th October 2005 stated that for inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof).

• The Act defines 'Information' in all encompassing way - Section 2(f) covers all form of material under 'Information'.

• 'Public Authority' has a broad definition widened section 2(h) of R.T.I Act 2005 stated 'Public Authority' means any body established or constituted, controlled and substantially financed by the government.

• The Act is applicable to judiciary and legislature also - The R.T.I. Act 2005 is applicable to all the three organs of government i.e. Executive, Judiciary and legislation.

• Any citizen can ask for information - Under M.R.T.I. Act 2002, it was necessary to mention the reason for asking information by the applicant. But under R.T.I Act 2005 any citizen can ask information without mentioning the reason.
Any information can be demanded – The applicant has right to ask any information which is available to the public authority.

The official secret Act- Under M.R.T.I 2002, most of the public authority took benefit of the Section 7(i) which stated that information, the disclosure of which is prohibited under the provisions of the O.S.A. of 1923. This was the lacuna of M.R.T.I. Act 2002. But under R.T.I Act 2005 there was no provision of O.S.A. of 1923 for exemption from disclosure of information.

Procedure for seeking information is familiar – The procedure for seeking information is same as was available under M.R.T.I Act 2002. Thus, it is not difficult for the applicant to apply under the Act.

Appeal mechanism is more effective – Under M.R.T.I. Act 2002, Lokayukta was the last appellate authority which was mostly in favour of public authority and they did not impose any penalty on public authority. But under R.T.I. Act 2005, State Information Commission is the last appellate authority which is totally independent body and is more effective.

Third Party Information - Under Section 11 of R.T.I. Act 2005 the provision of third party information is given.
A direct complaint can be filed with the commissioner by any person

- Who has been refused access to any information requested under the Act;
- Who has not been given a response to a request for information or access to information within the time limits specified under the Act;
- Who has been required to pay an amount of fee which he or she considers unreasonable;
- Who believes that he or she has been given incomplete, misleading or false information under the Act; and
- In respect of any other matter relating to requesting or obtaining access to records under the Act.

All that's not Good about the Act

- New Act operates at two levels – The R.T.I. Act 2005 operates at State and Central level. The Central Government departments must follow the Central Information Commission as the last appellate authority and State Government department must follow the State Information Commission as last appellate authority. Thus, it is difficult for common man to appeal at New Delhi against Central Government department.
• No single window approach – There are so many P.I.Os. in the public authority. Thus, a common citizen is at a loss to know whom to approach for seeking the information.

• Too many Assistant Public Information Officers – In some public authority there are too many A.P.I.Os. Only P.I.O. is sufficient for speedy disposal of the application. He can discuss with his assistant officers while supplying the information as and when necessary.

• Commissioners are puppets – Under R.T.I. Act 2005 there are two different appellate authorities i.e. Central Information Commissioner and State Information Commissioner. These appellate authorities rarely imposed penalty for the failure of public authority to perform the duties properly. For the proper implementation of the Act the Commissioner must be strict.

Right to Information Act came into existence in October 2005. Maharashtra Public Information Officers have received around 60,000 applications, State Information Commission received 6641 complaints and second appeals by December 2006. Active and aware citizens of Maharashtra have emerged as leading users of the Right to Information Act 2005 in the country. The other State Information Commissions received an average of less than 2000 complaints and second appeals. The Central Information Commission is the second appellate authority for
all union government bodies received 4939 second appeals and complaints (1).

Table No. 4.2
Record of II Appeals – R.T.I. Act 2005

<table>
<thead>
<tr>
<th>Month</th>
<th>Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto August 2006</td>
<td>3740 applications received</td>
</tr>
<tr>
<td></td>
<td>(260 disposed)</td>
</tr>
<tr>
<td>September 2006</td>
<td>640 (64)</td>
</tr>
<tr>
<td>October-November 2006</td>
<td>1321 (216)</td>
</tr>
<tr>
<td>December 2006</td>
<td>940 (110)</td>
</tr>
<tr>
<td>Total</td>
<td>6641 (650 disposed, 5991 pending)</td>
</tr>
</tbody>
</table>

Source of Table – Times of India – February 7, 2007

Dr. Suresh Joshi stated that Maharahstra is way ahead of other States. Pune Division tops the Maharashtra State. 1383 complaints and second appeals have gone from Pune Division to the state Information Commission.

Table No.4.3
Record of II Appeals – R.T.I. Act

<table>
<thead>
<tr>
<th>Division</th>
<th>Second appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Konkan</td>
<td>901</td>
</tr>
<tr>
<td>Mumbai</td>
<td>1372</td>
</tr>
<tr>
<td>Pune</td>
<td>1383</td>
</tr>
<tr>
<td>Nasik</td>
<td>905</td>
</tr>
<tr>
<td>Aurangabad</td>
<td>685</td>
</tr>
<tr>
<td>Amaravat</td>
<td>775</td>
</tr>
<tr>
<td>Nagpur</td>
<td>620</td>
</tr>
</tbody>
</table>

Source of Table – Times of India
Under R.T.I. Act 2005, in Kolhapur city the number of applications are in Kagal and in Radhanagari is as follows:

<table>
<thead>
<tr>
<th>Area Act</th>
<th>Kolhapur District</th>
<th>Kolhapur City</th>
<th>Kagal Taluka</th>
<th>Radhanagari Taluka</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra Right to Information Act 2000</td>
<td>7</td>
<td>607</td>
<td>27</td>
<td>08</td>
</tr>
<tr>
<td>Maharashtra Right to Information Act 2002</td>
<td></td>
<td>1319</td>
<td>106</td>
<td>19</td>
</tr>
<tr>
<td>Right to Information Act 2005</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Maharashtra Government lagged behind in implementation of the Act. The government only acted when Anna Hajare threatened to agitate.

**Implementation of the provisions of the Acts**

Section 2 of the Act defines 'Public Information Officer' and 'appeal authority'. The officers were appointed in each public authority and in some places, the designation and authority was mentioned. Most places or department the officers appointed under this Act did not display any board. Thus, it is difficult for common man to identify the officers. The State Information Commission gave direction about the display of designation of public information authority and appellate authority in complaint No.1/2000/Inf A.
Obligations on Public Authority -

Section 4 of the Maharashtra Right to Information Act 2002 imposes obligations on public authorities but it was not properly implemented. At present, under Section 4 of the Right to Information Act 2005 it was stated that 17 manuals must be published by the public authority. If the public authorities fully implement the 17 manuals and fill up the format of section 4 properly then there may be less number of application by the citizens under the Act because all the information about the department will be easily available in the department or on the website of the department which covered in 17 manuals under section 4 of the Act.

Appellate Provision -

Section 6 of the Maharashtra Right to Information Act 2002 explained the procedure of getting information. But the procedure implemented by some public authority was not proper. e.g. If any applicant want to apply for information from Kagal Police Station then there was no public information officer. They send the applicant to Divisional Office, Kolhapur. Thus, it was impossible for each applicant to go Kolhapur and apply under the Act.

At present, under Right to Information Act 2005, the procedure is different in Kolhapur city, Kagal & Radhanagari Taluka. In Kolhapur city, every public authority had appointed public information officer for each division, they have assisted by Assistant Public Information Officer. So it is easy for the common man to apply under the Act. But in some offices the
practice is different and it is difficult to the applicant for appeal. e.g. In Kagal, Chief Officer of Municipal Council is the Public Information Officer, the appellate authority is Commissioner of Pune and II - appeal lie to State Information Commissioner, Mumbai. Thus, it is difficult to the applicant for appeal. In Radhanagari, Deputy Engineer is the Public Information Officer, 1st appeal goes to Executive Engineer at Kolhapur and II appeal lie to State Information Commissioner, Mumbai. Thus, it is also difficult to applicant for appeal.

**Inspection of Documents and Samples**

Under Right to Information Act 2005, we can inspect the documents and ask for samples. There are rare cases for asking samples but the applications for demanding documents are more than inspecting documents. The public authorities did not follow proper procedure for inspection of documents.

**Transfer of Application**

Section 6 (3) of Right to Information Act stated where an application is made to a public authority requesting for an information - which is held by another public authority or the subject - matter of which is closely connected to another public authority then such application shall transfer within 5 days to that other public authority and inform the applicant immediately about such transfer. But a public authority fails to transfer application within 5 days. In most of the public authority, the application received to inward section. This section sends that
application to Public Information Officer. If it relates to sub-section then Public Information Officer send it to Assistant Public Information Officer of that sub-section and then if Assistant Public Information Officer finds that the matter of that application is available to other public authority then there may be restriction on authority to transfer the application within 5 days because of the departmental procedure.

**Provision for Below Poverty Line** -

Section 7 (5) of Right to Information Act 2005 stated that 'No Fee shall be charged from the persons who are below poverty line'. But it was observed that the survey of below poverty line was not done properly at grass root level. There is no transparency about the proof of Below Poverty Line. In Kagal, some organizations are taking benefits of the people who are below poverty line as an applicant. In Appeal No.2006/12/03 Haridas Bhikaji Waghade v/s Registrar, Dr. Panjabrao Deshmukh Krishi Vidyapeeth Akola, the State Information Commissioner gave direction about the applicant who is below poverty line.

In other applications, fee must be proper. This type of directions are given by State Information Commission in Appeal No.2006/214/02 - Yogendra Chandrakant Sathe v/s Director, Engineering Service and Project, Municipal Corporation, Mumbai and Complaint No.2006/03/02 James John v/s Assistant Superintendent, City Survey Officer, Mumbai.

An R.T.I. Activist from Pune, Shahid Burney decided to defy the fee for appeal under the Right to Information Act prescribed by the
Maharashtra Government, contending that the levy of such fee goes beyond the provisions of the parent Act & therefore is 'illegal'. Maharashtra government in rules for Right to Information Act prescribes a Fee of Rs.20/- both for first appeal and second appeal. But Central Government does not prescribe any fee for appeal. His contention is that if the Parent Act does not provide for any fee for appeal, the State Government has no business to prescribe it. He, therefore, tossed the ball in the State Information Commission. But yet the matter is subjudice.

**Exemptions from Disclosure of Information**

Section 7 of Maharashtra Right to Information Act 2002 stated exemption from disclosure of information and one provision of this section was used by most of the public authorities i.e. information the disclosure of which is prohibited under official secrets Act 1923. It was one of the lacuna in M.R.T.I. Act.

At present, section 8 of Right to Information Act 2005 explained the exemptions under section 8. The interpretation of sub-sections of section 8 made by the public authorities were not proper. e.g. sub-section (b) of section 8 stated that information which has been expressly forbidden be published by any court of law or tribunal or the disclosure of which may constitute contempt of court. When an applicant ask for an information for any matter which is pending in court, the public authorities did not want to disclose the information taking disadvantage of sub section (b) of section 8 of the Act which is totally wrong.
In most of the cases sub-section (j) of section 8 was used as reason for rejection of request.

**Fiduciary Relationship** – In some cases section 8 (1) (e) were used. It stated that ‘information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information’.

What is fiduciary relationship. Fiduciary is a Latin word (Etymology : Latin Fiduciarius, from fiducia mean ‘trust’). A Fiduciary is someone who owes a duty of loyalty to safeguard the interests of another person or entity. (2)

A fiduciary must avoid “self-dealing” or “conflicts of interests” in which the potential benefit to the fiduciary is in conflict with what is best for the person who trust him or her.

Chief Information Commissioner held that the authority conducting the examination and the examiners evaluating the answer papers stand in a fiduciary relationship with each other such a relationship warrants maintenance of confidentiality by both of the manner and method of evaluation (3)

**Public Interest**

There are exemptions which are subject to public interest test. The Right to Information Act 2005 does not define ‘Public Interest’. Public (Latin Publicus) means : 1) having to do with the affairs or official affairs of all people, as opposed to just a private group, 2) the public in general (4)
Interest (alteration of earlier interest, from Anglo-French, from Medieval Latin, to be between, make a difference, concern) means a right, title, claim or share in property' (5)

'Public Interest' means:

1) The well-being of the general public, the commonweal.

2) The attention of the people with respect to events.

The general welfare and rights of the public that are to be recognized, protected and advanced.

Public Interest is a term used to denote political movements and organizations that are in the public interest – supporting general public and civic causes. The public interest is a crucial, if ill-defined, concept in much political philosophy.

In India, the supreme court of India issued many guidelines describing the public interest. The Central Information Commission of India has given many decisions of public Interest as follows:

Furnishing of copies of evaluated answer papers would be against public interest as has been rightly opined by the appellate authority that supply of a copy of the evaluated answer paper would comprise the fairness and impartiality of the selection process (6)

The appellant has not made a case of bonafide public interest for disclosure of PAN/TAN numbers of 26 companies on grounds of submissions of their application for filing of tax returns (7)
The appellant has not indicated any bonafide public interest in having access to the Bank account of the company, which he has no association or business relationship (8).

**Third Party Information**

There was no provision about third party information under M.R.T.I Act. Section II of the Right to Information Act 2005 deals with 'Third Party Information' the concept interpreted by different angles by public authorities. If the party did not give consent to disclose the information then it is the duty of public authority to see whether there is public interest in supplying the information.

Income Tax Returns filed by the assessee is confidential information, which include details of commercial activities and that it relates to 'third party' and there is no public action involved in the matter.

The Chief Information Commission stated that, in the spirit of Right to Information Act, the public authority is required to adopt an open and transparent process of evaluation norms and procedures for assessment of tax liabilities of various categories of assessee. Every action taken by the public authority in question is in public interest and therefore the relevant orders pertaining to the review and revision of tax assessment is a public action. Therefore, there is no reason why such orders should not be disclosed. The Chief Commissioner of Income Tax is accordingly directed to supply relevant copies of the income tax assessment orders, if any,
provided that such documents are not exempted under section 8(1) of
the Act. (?)

**Penalties:**

According to section 12 of Maharashtra Right to Information Act
2002, in 15% cases first appellate authority declared penalties. Second
appellate authority did not impose penalties in appeal.

Under Right to Information Act 2005, first appellate authority have
no right and power to impose penalty only second appellate authority
have right to impose penalty. The State Information Commission has only
imposed penalty 15 times, collecting fines amounting to Rs. 1.06 lakh in
Maharashtra.

**Major Penalty –**

Under Maharashtra Right to Information Act 2002 the first appellate
authority imposed penalty of Rs. 47,000/- on Public Information Officer of
Zilla Parishad, Ratnagiri.

According to section 20, the first appellate authority under Right to
Information have no jurisdiction to declare penalties. The State
Information Commissioner have right to impose penalties. Under Right to
Information Act 2005, the Central Information Commission has imposed
the highest possible penalty a fine of Rs. 25,000/- on a University Registrar
for not furnishing information to an applicant. The Registrar of Benaras
Hindu University did not make available an inquiry report on incidents
leading to the death of Yogesh Roy, a University student. The Chief
Information Commission noted that the Registrar never spelt out valid grounds of rejection of the applicant's request. After this applicant made appeal to Vice-Chancellor but the Registrar was in charge of administration and the appellate authority under Right to Information Act. He communicated his reply 86 days after the date of the application. Chief Information Commissioner directed to provide the Inquiry report within 15 days, but the report was never made available thus Chief Information Commission slaps maximum penalty for not making report public.

The Maharashtra Information Commission has imposed a penalty of Rs. 25,000/- on an official of the Maharashtra Housing and Area Development Board (Mhada) for causing inordinate delay in providing information sought by an applicant. Kandivli resident S.K. Mangia filed a query with joint Chief Officer, Mhada in March 2006 asking for details on proposed plans to develop gardens, play grounds and hawking zones in Charkop locality of Kandivli (east). Mhada did not respond to Mango's application. He filed an appeal but he did not get information. Thus, he filed second appeal. The public authority did not turn up for hearing. The Commission then set a second hearing. The Public Information Officer finally turned up but he came without relevant papers. The state information commissioner gave 7 days to file a reply. Mhada then wrote to Mangia asking for a copy of his application, saying it was missing from
their records. Thus, State Information Commission fined Rs. 25,000/- on Mhada official.

**Report to Appropriate Government**

Under Maharashtra Right to Information Act 2002 public authorities submitted reports to District Collector and District Collector send the copy of month-wise compliance report to the Government. It was the best procedure by which we come to know the position of implementation of the Act properly.

Under Section 25 of Right to Information Act 2005 every public authority send the compliance report to the appropriate government and it is the duty of Central or State Information Commission, as the case may be, provisions of the Act after the end of each year and forward a copy thereof to the appropriate Government. It is observed that some public authorities are not sending reports properly and it is also difficult to declare the exact results of implementation of the provision of the Act.

**Frivolous Right to Information Plea**

There are some applications in public authority which seemed to put the public authorities under undue and uncalled for pressure. Chief Information Commission held that the 'diverse and lengthy information' sought by S.K.Lal in his five applications to railways ministry seemed to be designed only to put the public authorities under undue and uncalled for pressure. In the given case though the railway ministry was duty bound to supply information to the applicant. Lal was also required to keep in mind
the objectives of the Right to Information Act was outlined in the preamble to the Act. Kejariwal said "how these objectives would be met with if the appellant asked for such diverse and lengthy information which seemed to put the public authorities under undue and uncalled for pressure. (10)

In Kolhapur, some applicants are asking same information again and again even though the public authority supplied all relevant information available with them. Thus, this type of applications are there in every public authority.

**Awareness Programmes** – We have seen that the number of applications under this Act, asking information is still very small. The number should increase positively and constructively to achieve the objective of the Act. Hence at village, town, district and State level there is a need of comprehensive efforts on the part of government functionaries, volunteer agencies and institution concerned to take effective and timely steps to promote awareness.

Section 26 of the Right to Information Act 2005 stated that the appropriate government may, to the extent of availability of financial and other resources develop and organize educational programmes, encourage public authorities to participate in the programmes, promote timely and effective dissemination of accurate information by public authorities about their activities, train officers, compile guide in its official language etc. but still it is not happening. Government is not interested in the
implementation of section 26. There were workshops organized by Yashwantrao Chavan Academy of Development Administration, Pune for public authorities. It is the duty of government to make aware the citizens specially of grass-root level. In Lata Lalchand Ahuja v/s Deputy Secretary and PIO of Department City Development, Mumbai it was held that the implementation of section 26 is most important and it is a need of society.

Dr. Satyaranjay Sathe stated that 'No democracy can be meaningful where civil society cannot audit the performance of organs of the constitution. In order to be able to audit the performance of the government, the people have to be well informed of its policies, actions and failure. An informed citizenry is a condition precedent to democracy'.

There are good and positive applications in Kolhapur and Kagal under Maharashtra Right to Information Act 2002 and Right to Information Act 2005 asking distribution of funds between flood affected person, information regarding ration cards, Gas holders, allotment of funds in Sarva Shiksha Abhiyan; information about the construction of Roads etc. which were filed with public interests. These applications create discipline in the administration.

**Case Study:** All the cases that come under the purview of the study cannot be enumerated. Only a few important cases are discussed.

In Maharashtra Tushar Dalvi used Right to Information and managed to get LD refund which was pending for five years, in a week's time.
Dalvi, an NRI, settled in Santacruz few years ago, has a non-resident ordinary account (NRO), from which the bank was deducting tax at service (TDS) on interest accumulated on his deposits. Though he had filed returns and applied for a refund from 2002 onwards, he had never got a reply from IT department. Dalvi decided to file an application in December 2006 asking about the status on his pending refund, and he got refunds in a week. Later he got interest and assessment orders also.

Few examples of contents of application demanded under the Act are as follows:

1) What are the terms applied to transfer the Government Land to ................. individual or institution in ......................... Town; bearing Survey No. ............. . How many other individuals or institutions have made applications for same land? What are the reasons for non-acceptance of their applications? Please make available to me the certified copies of the notes.

2) Non-Agricultural Certificate has been given to respective land bearing Survey No. ............. in ............... . Tal....................... Dist..................... But certificate has been denied to it's adjoin land bearing Survey No. ............. Please make available to me the certified copies of official notes.

3) I had made an application to get revolver license on ....................... Till today I have not been informed anything about it. How many forms did you accept after above mentioned date? How many
persons have been allotted revolver license amongst them? What were the conditions applied for granting licenses? Why my application was not considered? If it is negative then please supply me the reasons for such refusals. Please make available all the certified copies of official notes containing all the whereabouts of my license and all the details of those licenses have been granted after my application.

4) I have made an application to the municipality on ................ for approval of my Building plan. Till today, no decision has been taken on it. How many such applications were received after this date? How many amongst them were accepted?

5) How many tenders were received for this work? Amongst them who’s tender was accepted? What were the conditions applied for accepting the respective tender? What are the reasons for refusing other tenders? Made available the certified copies of official notes regarding it.

6) The construction work of .................... road / building/ dam is going on. I want to evaluate as to whether work is going on as per the terms in tender and standard material is being used for it. Please inform me the date and time to check it.

Hence it is observed that although the number of applicants is small, important areas of public offices are being questioned from public interest
point of view. Hence increase in the number of applications in the public interest can definitely lead to transparent and non-corrupt system.

References:

1) Source – Pg. 5 of Times of India – February 8, 2007
4) en.wiktionary.org.
7) Appeal/05/IC (A) CIC/2006 dated 03.03.2006
8) Appeal No.12/IC(A)/2006 dated 14.03.2006
9) Appeal No.22/IC(A)/2006 dated 30.03.2006
10) Times of India, January 7, 2007, Pg.9
AWARENESS PROGRAMME CONDUCTED BY RESEARCH STUDENT

- Department of Adult Education & Extension work, Shivaji University, Kolhapur.

- Department of Journalism, Shivaji University, Kolhapur.

- Seminar of Maharashtra Rajya Sahakari Sakhar Karkhana Sangh at Pune.

- Workshop on Right to Information Act for Administrative Staff, Shivaji University, Kolhapur.

- Workshop on Right to Information Act for Principals of all affiliated colleges, Shivaji University, Kolhapur.

- Workshop on Right to Information Act for Journalists of all local newspapers at Shivaji University, Kolhapur.

- Workshop on Right to Information Act for Administrative Staff, Dapoli Krishi Vidyapeeth, Dapoli.

- Conference on Right to Information Act to Members of Rotary Club, Sunrise and Midtown, Kolhapur.

- Workshop on Right to Information Act to Revenue Officers of Kolhapur District at Collector Office, Kolhapur.

- Workshop on Right to Information Act to Educational Officers of Five Districts held on 15th Sept. 2006 at Pofali.

- Workshop on Right to Information Act to Law Students of Law Colleges affiliated to Shivaji University under lead collegiate activity.

- Lecture on Right to Information Act 2005 at District Teachers' Meeting organised by Educational Officer, Kolhapur.

- Lecture on Right to Information Act 2005 at Workshop of Principals of all colleges affiliated to Shivaji University on 13-02-2007.