CHAPTER-III

ROLE OF NGO'S IN THE IMPLEMENTATION
OF RIGHT TO INFORMATION (RTI) ACT

1. Introduction :

In this chapter we will study few cases where the right to information was used. Users were either individuals or groups or organizations. In a large number of cases, it not only resulted in getting the desired information but also brought about the required improvement. All this shows that transparency helps in improving governance and administration.

2. Duplicate Ration Card through RTI

In this case Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, a slum habitation in East of Delhi. He lost his Ration Card and applied for a duplicate one. He made several rounds of the local Food & Civil Supplies office but the clerks and the officials would not even give him one look. Eventually, he filed an application under the RTI Act, asking for a report on the daily progress made on his application, names of the officials who were supposed to act on his application and what action would be taken against these officials.

Within a week of filing the application under the RTI Act, he was visited by an inspector from the Food Department who informed him that the card had been made and he could collect it from the office.

When Nannu went to collect his card the following day, he was given a very warm treatment by the Food &
Supply Officer — the head of a Circle. The officer handed over the card to Nannu, offered him tea and, since his work had already been done, he requested him to withdraw his application under the RTI Act.

3. **I.A.S. officer is fined by Information Commissioner**

Mr. Niteeshwar Kumar, Director (Administration) Directorate of Medical & Health, gets the distinction of being the first I.A.S. Officer in Uttar Pradesh of being fined Rs. 2,000 under the Right to Information Act, 2005. Mr. Gyanendra Sharma, Information Commissioner, U.P., under the Act, directed that the fine be deducted from Mr. Kumar’s salary.

The Information Commissioner, Mr. Sharma has also directed that an additional amount of Rs. 2,000 shall also be paid to the petitioner, Mrs. Renu Srivastava as conveyance expenses which she incurred in the year long futile visits to the Health Directorate, for getting a job as a dependent of her deceased husband in the Directorate’s employment.

This landmark judgment was delivered by the Information Commissioner in the Appeal which Mrs. Srivastava, wife of the deceased employee had filed, In re Mrs. Renu Srivastava v. Director General, Medical & Health, UP.

The complainant, Mrs. Srivastava, after a futile attempt to get a job in the Directorate in place of her deceased husband, finally knocked the doors of the Information Commission of U.P.
The Information Commission issued summons for the appearance of both the parties on the first hearing of the Appeal on August 29, 2006. On several hearings of the case subsequently, only junior officials of the Directorate attended the Information Commission. The Commission taking a serious view of the non-appearance of the Director, Mr. Niteeshwar Kumar, summoned him afresh on November 21. Mr. Kumar once again failed to appear personally.

Finally, the Director, Mr. Niteeshwar Kumar, along with junior officials appeared on November 27, 2006, when last chance given to him by the Commission. Mr. Kumar gave reasons for not giving a job to Mrs. Srivastava, in place of her deceased husband. He also pleaded that Mrs. Srivastava was living in a joint family and that her husband’s elder brother was very well off, as the additional reason for refusing the job to Mrs. Srivastava. The Commission, rejecting the pleas of the Directorate as untenable, found the Director guilty of being casual in the case by deputing junior officials, not himself personally attend the proceedings before the Information Commission. Mr. Sharma observed that the Directorate had violated the provisions of the RTI Act.

Information Commissioner also observed that the Directorate should be sympathetic towards dependants of deceased employees and should speedily dispose off such cases. Mr. Sharma further observed that Mrs. Srivastava should have been given information about the fate of her application seeking a job in place of her deceased husband.
within 30 days as stipulated under the Act, which was not provided to her for year's together.

4. **Action taken against a sales tax evader**

   In this is the personal case of Rakesh Agarwal, a Nyayabhoomi volunteer, in a legal case against a supplier, he got the evidence that the supplier had not paid sales tax on a transaction he had completed with Rakesh.

   Rakesh lodged a complaint against him with the sales tax authorities on 30th September, 2005, and requested in his complaint letter that he be kept updated about the investigation and action taken. However, no update was provided to Rakesh.

   On 14th November, 2005, Rakesh filed a request for information under the RTI Act with the sales tax office, demanding to know what action was taken, and if no action was taken, then guilty officials be punished. A reply dated 12th December, 2005 was received which stated that action had been taken, and the supplier was forced to pay a sum of nearly Rs. 13,000 including interest and penalty.

5. **Not appointed, despite selection**

   One Chandrakant Sasane aged 31 and belonging to a Scheduled Caste holding an M.A. in Social Work, said that though he was selected for the position of Lecturer at Mumbai’s N.G. Achaiya and D.K. Marathe College of Arts and Science, the college did not appoint him to the post. On his behalf Sri Shailesh Gandhi, a Mumbai based social activist, using the RTI Act, asked for documentary evidence from the college as well as from Bombay University. The college has not replied, and one will have to take recourse
to the penal provisions of RTI to bring them to respond. But the information given by the Bombay University is alarming.

On 14 September 2004, a Bombay University Selection Committee - with seven of its eight members present — unanimously selected Chandrakant Sasane for appointment as Lecturer to teach the Foundation Course in Philosophy at the college. The post was reserved for SC/ST and six candidates had been interviewed. The Selection Committee also included the Principal Dr. D.M. Muley and the Head of Department, Professor A.V. Desai, of the same college. On 16 September, 2005 the University followed up and sent a recommendation to the college to appoint him. However, the college did not issue the letter of appointment to Sasane. On 19 April, 2005, without assigning any reasons, the college asked the University for permission to advertise for the same post on 11 July. The University refused permission, since the college had not appointed Sasane. Until the report was filed, this blind young man was waiting for job for about seventeen months.¹

6. Quasi judicial proceedings not barred under RTI Act

Chief Information Commissioner (CIC) Justice (Retired) Mr. M.A. Khan has summoned the Registrar of Lucknow University over the alleged daily-dallying tactics adopted by the Lucknow University administration in furnishing information under the RTI Act to a petitioner.

¹ Source : Citizen Direct, 22 February, 2006.
The order was passed by the CIC on an Appeal No. 629(a)/06 of Dr. Niraj Kumar. Kumar had sought certain information from the Public Information Officer of Lucknow University on July 15, 2006. A reminder in this connection was again given to the PIO on October 10, 2006. But on getting no response, Dr. Kumar filed an Appeal before the CIC. On 30-11-2006 when the matter came up for hearing a written reply by Lucknow University, Registrar, AK Damle was submitted on his behalf to the commission by Assistant Registrar Mr. Sanjai Kumar Mull. The Lucknow University Registrar said that a disciplinary committee formed by Lucknow University Executive Council was already conducting a probe against the petitioner: Since the proceedings were quasi-judicial in nature, the same were exempt from disclosure under the RTI Act. The CIC, however, was not convinced with the argument. Directing the Lucknow University Authorities to provide the information sought by the petitioner within next 10 days. Chief Information Commissioner (CIC) also warned Lucknow University that stern action under section 20 (imposing fine) of the RTI Act would be initiated if the order was not complied with. The Lucknow University Registrar was directed to appear in person before the Commission with the relevant information and documents on December 14 when the matter would again come up for hearing.

7. **Anshu gets the admission in school**

In this case a resident of East Delhi, Sharma had read about the High Court order (regarding schools on DDA land) and the Education Department Directive of 25% and
20% reservation, respectively, for students from lower-income households in public schools. “I prepared all my papers which showed that I earned less than the amount stated by the government to qualify’ for this scheme and went to Greenfields Public School (pre-nursery) in Dilshad Garden on June 3,” he recalled. “They refused to even hear me out and told me they had never heard of this order and they were not implementing it,” says Sharma.

After a week he went to the Education Department to register his complaint. He waited for a month but nothing moved. So, he filed an application under RTI Act on July 12. In his application, he asked for (1) daily report on the movement of his complaint; (2) name of the official who had been appointed to look into his complaint; (3) his findings; (4) what action had been taken and if no action had been ordered, when it would be done; (5) if the DDA had been informed by the department about this school flouting the order so that action could be taken by them; and (6) what steps department was taking to ensure the order was strictly implemented.

In effect, the Education Department was being called to account. “They replied with all the answers but said I hadn’t mentioned my daughter’s age and what class she wanted admission into. When the school was not even prepared to receive my application, how could I give them all these details,” says Sharma.

However, last week he was asked by the department to approach the school and get his daughter admitted. Yesterday, Anshu was given admission. “The school
principal met me finally and asked me to withdraw my complaint and my daughter was given admission to nursery,” says a relieved Sharma.

8. **BHU registrar penalised under RTI**

Hence under the RTI Act, the Central Information Commission has slapped a fine of Rs 25,000 on Banaras Hindu University Registrar N. Sundaram.

In this case Tripathi filed an application under RTI seeking the inquiry report of professor Harikesh Singh. This probed into incidents on January 11 and 12, 2005, including the death of Roy, a student at Sir Sunder Lal Hospital attached to the University. But Sundaram, who is in charge of administration and the appellate authority under RTI, rejected the application and he did not make available to applicant Dhananjay Tripathi an inquiry report on incidents leading to the death of Yogesh Roy, a student, in January. This is the first instance where the CIC has levied the maximum penalty. The full penalty has to be paid by the Registrar in the form of a DD within 15 days. If he fails, the V-C will recover the penalty amount from Sundaram’s salary as per CIC’s directive.

The only contribution of the Registrar in meeting the requirement of the applicant was delay and denial of information. He has never spelt out the valid grounds of rejection of the applicant’s request.” The CIC held the submissions made by the Registrar in response to the show-cause notice as “quite superfluous and explains nothing.

---

2. Indian Express, Delhi, August 2004.
9. Subramanya Experiences

Mr. S.N. Subramanya, a member of the Jayamahal Consumer Society, Bangalore and a volunteer of the PAC-CHRI Implementation Audit, has had some successful experiences in using KRIA. In response to his application on the construction of a public toilet, the encroachment by a developer was brought to light, and the Bangalore Mahanagara Palika, Corporation demolished the unsanctioned part of the plan.

In early 2004, he filed an application on the maintenance of buildings within the City Civil Court premises, and for good measure, sent a copy of the application to the Minister of the Public Works Department. On 2 September, 2004, the Minister inspected the Civil Court, announced Rs. 25 lakhs for its maintenance and promised action within 15 days to make it a ‘model Court’. The Minister also instructed the BMP to clean the premises.

The first such records were to be inspected in the Nandnagari office of Food Department by some women from Nandnagari on 23rd September. However, in the afternoon of 23 September, 2003, Panini, Anand and Rajiv Kumar, volunteers of Parivartan who had gone to assist these women, were abused and attacked in the office premises of Assistant Commissioner, North East Delhi, by a group of about 40 ration shop dealers led by a local leader and ration shop owner, Jagatpal Singh.

The volunteers were severely beaten up in the office premises and Anand was, later, hit by a brick while he was
on the way to Nand Nagari police station to file a complaint. An FIR (No. 548/2003) has been filed. Subsequently, more than 250 ration shop owners surrounded Nand Nagari police station for over four hours and prevented Parivartan volunteers from coming out of the station. The police including the SHO remained mute spectators to all this, it was only on the intervention of the Deputy Commissioner of North East Zone that the volunteers, including four women, were evacuated by a police vehicle and driven to safety.

When four applicants, along with two Parivartan workers, reached the office of the Food and Supplies Officer (FSO) to inspect the records, about 40 ration shopkeepers were already present there in and around the room of the FSO having tea with him. They seemed determined to prevent public access to the records in order to hide discrepancies in the distribution of ration and kerosene oil. They started beating up Rajeev and Anand in the office premises. Anand took shelter in the room of the Assistant Commissioner. Rajeev entered one staff room and bolted himself from inside. They called up police. A police van reached the spot and advised them to go to the police station to file a complaint. Anand and Rajeev started proceeding towards police station. Ration dealers were following them. Their numbers kept swelling. Almost 80 of them were following Rajeev and Anand on motorcycles, cars etc. Rajeev and Anand were on a rickshaw. In the meanwhile, four women workers of Parivartan joined Rajeev and Anand. All of them were hurled filthiest of abuses.
In the police station, an FIR was registered. The number of ration dealers outside the station had swelled to more than 250. They were shouting from outside demanding that Parivartan workers be handed over to them and they would burn Parivartan people alive. The police kept watching helplessly, though the SHO and ACP were present. The ration dealers kept surrounding the police station for almost four hours. At about 8.30 p.m., on the intervention of the Deputy Commissioner of this area, a police vehicle escorted Parivartan workers to the bus stand, from where, they went to a friend’s place and spent the night there.

The process of verification of records of the ration shopkeepers begn on 15th December. Teams of Parivartan workers and local residents were formed.

The records related to distribution of wheat, rice and kerosene during June 2003 by four ration dealers in Welcome area in East Delhi. Records included sales registers and stock registers of these shopkeepers.

The teams would go from house to house informing people how much supplies are claimed to have been issued to them according to the records. Their ration cards were checked. People were asked how much rations did they actually get and their feedback was recorded. The people were aghast to see that rations had been siphoned off in their names. The ration dealers had, all this while been maintaining that the government had stopped sending rations.
This process of verification of records was in process and 182 families had already been surveyed, when suddenly on 27th December at around 12.30 p.m., one of the survey teams was attacked by some of the affected ration dealers and their supporters. The team members, including women, were physically beaten up and their records were snatched and burnt in the marketplace.

Immediately, a complaint was lodged with the local police station. The police arrested two people that evening, who were released on bail the next day.

These attacks created a lot of furor amongst the local residents. Two days later, a meeting took place in that area. Local residents, some senior respected citizens of the locality, office bearers of the Ration Dealers Association of Circle 48 and Parivartan workers attended the meeting.

In that meeting, the President of Ration Dealers’ Association, Mr. Rashid, apologized for the incident and acknowledged that people had to face a lot of difficulties in obtaining supplies. He promised that the dealers would take all possible steps to improve the situation. He also offered that if any person faced any difficulty in obtaining ration in future, the aggrieved person should contact him on his mobile and he would reach on the spot to get the grievance resolved. They requested Parivartan to stop the social audit and defer plans for Jan Sunwai for sometime and see if this system worked. Accordingly, the process of social audit was suspended for a few weeks to see if the situation improved as a result of ration dealers promises.
10. **Transparency demanded on Delhi demolitions**

Aruna Roy, member of National Advisory Council (NAC) and founder member of National Campaign for People’s Right to Information (NCPRI) demanded transparency in the demolitions of illegal structures that the Municipal Corporation of Delhi (MCD) is undertaking. Welcoming the reported statement of Chief Minister Sheila Dikshit that the details of all the 18,000 buildings booked by MCD in the past for various violations, would be put on the internet, Roy in a letter, jointly written with Shekhar Singh, also of the NCPRI. demanded that the list of buildings that have allegedly violated various laws and liable for demolition should be made public. “This is not only in keeping with the principles of transparency but would significantly reduce the confusion and harassment of the citizens of Delhi,” she said.

In addition to the list of buildings. Roy and Singh also asked that the names of all the officers responsible for allowing such violations should also be put on the website. Further, the criteria being used by the Delhi Government/MCD to select the structures that they should demolish or seal, and in what order, should also be made public, the activists have asked. Their concern is that action against illegal structures must be taken in a just manner.

Parivartan, an NGO working towards bringing transparency and accountability in governance, also demanded that the entire process of demolitions should take place with complete transparency. Pointing to a
seeming confusion about the definition of "demolition", Parivartan noted that whereas some structures were being completely razed, others were being let off with minor damages. In addition, the action taken by the MCD against misuse of residential premises for commercial purposes did not seem to be uniform. Whereas, some structures have been demolished, others, including some big showrooms, were let off with just sealing.

What guidelines govern such decisions? Absence of any such clear guidelines could be a fertile ground for further corruption. MCD needs to clearly make its stand clear on all these issues. The people have a right to know all this information under the Right to Information Act.\(^3\)

11. **Right to information exposes world bank water deal**

Credit for exposing the water supply and sanitation deal must go to 'Parivartan' (meaning 'change'), a voluntary organization based in the capital, which obtained and publicized several official documents of the 'Delhi Water Supply and Sewerage Project' that records deals between the State utility, Delhi Jal (Water) Board (DJB) and the Bank. The Indian Express reported that 'India’s new right to information laws have drawn first blood, secret deals involving the World Bank to Privatize water supply and sanitation in the capital'.

The project’s stated aim is to make available reliable, 24 hours water supply but the documents obtained by Parivartan reveal that this does not include removing

---

existing inequities in water supply but offers plenty of scope for super profits for a few water companies.

Arvind Kejarival, founder of Parivartan. “On the one hand (here is-room for exorbitant earnings for some companies and their experts, which will push up costs, and on the other hand there is growing insistence on recovering costs. The net result will be to steeply push up the water bills of ordinary people and deny water to the poorest people who can’t afford the heavy bills.”

The management of each of 21 zones would be handed over to water companies which will collect management fees, engineering consultancy fees and a bonus.

Management fees alone, at 24,400 US dollars per month to each expert, would work out to more than 25 million dollars a year. Each water company has been given a lot of say in deciding its own annual operating budget and there are provisions for upward revision which can be misused to make extravagant demands on the government. “There is no upper limit on operational expenses,” said Kejarival.

And it will be the consumers who pick up the bill. Parivartan’s calculation is that, if the project is accepted, a typical family may find its water bills increasing five times over.

There is a heavy emphasis on reducing non-revenue water. In practical terms, this translates into making water so expensive that poor people’s access to water will be badly affected, despite statements that some subsidies will be maintained for the poor.
Stings:

Each zone will be divided into several District Metering Arc-as or DMAs and the performance evaluation of each company would be based on delivery to the DMAs rather than individual households. The possibility also remains that water could diverted from each DMA to high-tariff consumers like hotels while households are neglected.

Several voluntary organisations, residents’ welfare organisations, experts and citizens have now come together in Delhi to form the ‘Right to Water Campaign’ (RWC) to oppose this project. In a statement, the RWC said if this project is implemented “water would become virtually inaccessible to the poor.”

Madhu Bhaduri, Convenor of RWC (and India’s former ambassador to Portugal) asserts: “There has been a remarkable mobilisation of people in Delhi to prevent the implementation of this project which can lead to the denial of the most basic need to many poor people. Eminent experts and senior people in government have shared our concerns about this project”.

Water engineers and management experts from prestigious institutes like the Indian Institutes of Technology and Indian Institutes of Management recently assembled in Delhi to publicly voice their criticism of the project. They have also offered their help in formulating a new project, which is capable of solving Delhi’s water problems.
The World Bank is considering a loan of 350 million dollars, spread over a period of six years, at commercial rates of interest, for this project. At one time it was reported that the loan was about to be approved but due to the recent controversy a final decision has been postponed.

But what shocked DJB engineers was that the Bank, which provided a 2.5 million dollar loan for hiring a consultant, insisted that its own candidate Price Waterhouse Coopers, which failed to get short-listed, be accommodated.

Though senior DJB officers objected, the Bank got its way and made changes to the selection criteria, after the bids were opened, to get its candidate accommodated.

"Can fair play and protection of citizens’ concerns be ensured when key consultants are selected in this way?" asks Kejarival, pointing out that the Bank has “not been transparent in sharing its information on the project.”

The RWC has demanded that the Delhi Government should immediately withdraw its loan application to the World Bank for carrying out reforms in the water sector. “We believe that water is a natural right of every living being on this planet, including humans and that private multi-national companies cannot be given control over water to earn profits, as is being proposed under this project,” it has stated in an open letter to Chief Minister Sheila Dikshit.

Bhaduri asserts, “We are confident, on the basis of talks with senior government functionaries, that this project can be stopped. Effective presentations have been
made before the Planning Commission and the Delhi Government. The Government is seeking the opinion of the Planning Commission for consulting some expert bodies.”

She adds, “This project is structurally flawed and so cursory changes cannot redeem it. Once we get rid of this anti-poor project, we can work for an alternative pro-people plan to improve the water supply in Delhi.”

Examples from South Africa, Bolivia. Columbia and other countries where water tariffs have risen steeply and where poor people have lost their connection were made available to the still unsuspecting public in the Indian capital. A cholera epidemic which broke out in August 2000 in the province of Kwa-zulu Natal, infecting 14000 people and claiming more than 250 lives, and linked to the decision of authorities to cut water supplies to people living in informal settlements and unable to afford user fees was cited.

Pointed out was the fact that public-private partnerships in water and sanitation have grown from almost zero to over 2300 in the last 10 to 12 years.

Aruna Roy, a leader in the campaign to get enacted the right to information laws said: “This entire episode shows the great utility of the right to information in preventing flawed projects and policies before any damage is done. This is possible when right to information laws empower citizens to access detailed, reliable and authentic information.”
12. **RTI: MC told to get into the Act**

Following the Newsline reports on delay in information sought by residents under the Right to Information (RTI) Act, the Punjab State Information Commission today summoned Municipal Corporation (MC) Commissioner S K Sharma and Joint Commissioner Jaswant Singh to appear in person on June 15.

Sources said the hearing of the case filed by Resurgence India Organisation was scheduled before the Commission today. Their plea was that on December 15, they had applied to the MC seeking information about the policy on roadside hoardings in Ludhiana vis-a-vis the orders of Punjab and Haryana HC and the Supreme Court.

The applicant stated that the MC had not supplied any information. Today, MC Assistant Law Officer appeared before the Commission. Hitendra Jam from Resurgence India was also present. The MC official asked for seven days to supply the information, but the request was rejected by the Commission.

According to Jam and advocate Surinder Pal, coordinator of Lawyers for Social Action, “The Commission has taken serious note of the lapse on part of MC. The Newsline report had also highlighted that the Federation of Pollution and Park Management Committees had sought information regarding the maintenance of parks, but had not got a response. On this, the Commission has written to the MC Public Information

---

Officer, the Commissioner and the Joint Commissioner, asking them to reply within 15 days.

The report had also mentioned that Suresh Kumar, a resident of Chandigarh Road, had sought some official information regarding his plot, which was allegedly sold to someone else. PUDA has not provided the information till now. Today, Suresh said, “I went to the PUDA office this afternoon. They told me that the inquiry report will be provided to me by tomorrow.”

Municipal Commissioner S K Sharma said, “we have deputed information officers at all levels. Joint Commissioner Jaswant Singh has been deputed as the Public Information Officer. If anybody has been denied information due to any reason, I will take action against the officer concerned. Also, the pending complaints will be cleared at top priority. We have no hitch in giving information to the public.”

13. Muster roll fraud exposed

On 17 October, 2005, five days after the Right to Information Act came into force, a public hearing in Lakshmangarh village (Surguja District, Chhattisgarh State) showed how the Act can empower ordinary people and enable them to fight corruption.

The public hearing focused on the construction of a “talab” (pond) under the National Food for Work Programme. A sum of Rs 3.5 lakhs was sanctioned to the Irrigation Department for this project, of which Rs 3.1 lakhs had been spent. The entire amount was spent on labour, over three “muster rolls” covering one week each.
Getting hold of the muster rolls was no easy task. This happened before the Right to Information Act came into force. A team of students made the initial attempt from Delhi University, who were conducting a field survey of the National Food for Work Programme in Surguja on behalf of Dr. N.C. Saxena, Commissioner of the Supreme Court. In spite of the Commissioner’s backing, the students were made to run from pillar to post for several weeks in search of the muster rolls. It was only after the Rozgar Adhikar Yatra occupied the local office of the Irrigation Department that the concerned officials finally agreed to part with two of the three muster rolls.

The public hearing convened on 17 October immediately showed that the muster rolls had been fudged. There were 320 names on the rolls, from three adjacent villages: Lakshmangarh, Phoolgi and Sanibarra. Each labourer’s village of residence was written in the muster rolls against his or her name, making it possible to verify the names from the “voters’ lists”. It emerged that only 63 of the 320 names were genuine - the other names were fake. Residents of all three villages attended the public hearing, and they confirmed that the 257 untraceable names were fictitious.

According to the muster rolls, all the labourers were paid the statutory minimum wage of Rs. 55 per day. Labourers at the public hearing corroborated this. At this rate, the wages of 320 labourers working for three weeks (six work days each week) would account for the full Rs. 3.1 lakhs officially spent on the project. But only one- fifth
of these “labourers” were actually there. Officials appropriated the wages of the other four-fifths.

It is interesting that those who did work received the full wage of Rs. 55 per day no cheating there. This is probably to keep them happy and reduce the risk that they might complain. Indeed, according to one local activist, when labourers get their full wage it is much harder to persuade them to raise questions about the project. “As long as I have received my due,” they say, “why should I bother about the rest?”

Also interesting is that all the thumb prints in the muster rolls were fake, even in the case of “genuine” labourers. Among those attending the public hearing were several labourers who were most surprised to find their alleged “thumb print” in the muster rolls, as they are able to sign their name and always do so when certifying a document. They gave samples of their signatures and thumb prints for verification. All the labourers present, literate or illiterate, said that they had never put their signature or thumb print on the official muster roll. Instead they had been asked to put it on a different document - the “kaccha muster roll”.

The kaccha muster roll is an informal register, maintained at the worksite. It is used for the purpose of recording attendance and making wage payments. But the official (“pacca”) muster roll is a separate document, comprehensively fudged. This practice of maintaining two muster rolls, one for wage payments and one for securing the release of funds, is widespread. For decades, it has
been a convenient means of siphoning off money from public works programmes. As long as the muster rolls are inaccessible to the public, this method is relatively safe.

The Lakshmangarh talab is thus a startling example of unrestrained embezzlement based on this method. Even the local residents, who are used to being cheated, were shocked by the scale of corruption in this project. At the end of the public hearing, one labourer angrily told the representative of the Irrigation Department: “Agar khana hai to hisab se khao, hamara baap bankar mat khao, hamara beta bankar khao” (If you really need to cheat, do it with moderation.)

The evidence of fraud in Lakshmangarh is clear and incontrovertible. The names were checked from the voters’ lists, and checked again in public proceedings available on video tape. Those who attended the public hearing unanimously signed a memorandum summarising the evidence. And the thumbprints on the muster rolls can be easily checked against the samples provided at the public hearing.

Lakshmangarh, therefore, will be a useful test of the government’s willingness to crack down on corruption. At the end of the public hearing, a delegation was sent to the District Collector and the evidence was presented to him. He promised to take action against the culprits. Whether or not this actually happens remains to be seen. Earlier experience in Surguja and elsewhere is not encouraging in this respect: corrupt officials are rarely caught, let alone punished.
The silver lining though is that public tolerance of corruption is rapidly dwindling, making it harder and harder for the administration to remain passive.

What is heartening about the public hearing in Lakshmangarh is that local residents conducted the entire exercise with no special expertise in the matter. Gangabhai Paikra, an adivasi youngster with five years of schooling, initiated the verification of muster rolls. Once the muster rolls were obtained from the Irrigation Department, verifying them was a simple matter. Therein lies the hope of eradicating corruption in public works: the simple act of making muster rolls readily accessible will empower ordinary people to act as “freelance inspectors”. This has already been done with good effect in Rajasthan, and there is no reason why it cannot be done elsewhere.5

14. 109 People get ration cards in Delhi

On 29th August, about 400 people from different parts of Delhi met at Gandhi Peace Foundation. They marched up to the Food Commissioner’s office at ITO. About 109 people filed applications under the Delhi Right to Information Act seeking copies of records of ration shopkeepers of their respective areas.

On that day, the Food Commissioner took a stand that since in a similar case, the Delhi High Court had granted a stay against Parivartan, hence the records would not be provided to anyone. However, it was argued with her that it was an interim stay granted by the Court till the next date of hearing. The stay was not on merits but was

an cx parte stay because the Food Department did not send its advocate on the day of hearing. Besides, the stay was against providing records of certain shopkeepers to Parivartan. It was not a blanket stay. Hence, the information couldn’t be denied to everyone in a blanket manner.

In 15 days time, the applicants started receiving letters from the Government intimating them the date, time and venue, where they could come and inspect the records. This was a major victory for the people that the Government had to change its stand.

15. Triveni’s success story

Triveni is a very poor woman, who lives in Sundernagari, a slum colony in East Delhi. She holds an Antyodaya card issued by the government to the poorest of the poor. These cardholders are entitled to food at highly subsidized rates.

The poor people, who have Antodaya cards, are supposed to get wheat at Rs. 2 per Kg and rice at Rs. 3 per Kg. Triveni’s shopkeeper used to give her wheat at Rs. 5 per Kg and rice at Rs. 10 per Kg. This is almost equal to the market price. So, she didn’t take any grains from September 2002 to February 2003. Till then, she did not even know the subsidized rates prescribed by the Government at which she should be getting the food. In February 2003, she came to know the actual rates from Parivartan. She was shocked because she had never received grains at such cheap rates and none had told her so. She was guided by Parivartan to file an application
under the Right to Information Act. On 17th February, 2003, she filed an application asking for the details of ration issued to her as per records and also copies of cash memos purported to have been issued to her. Cash memos are receipts, which a shopkeeper is supposed to issue for every transaction. The shopkeeper is supposed to take signatures of the customer on the cash memo.

She received a reply on 11-3-2003. To her utter surprise, the reply said that she had been issued 25 Kgs. of wheat @ Rs. 2 per Kg. and 10 Kgs. of rice @ Rs. 3 per Kg. every month in the last three months. The cash memos showed thumb impressions having been made in her name. She is a literate woman. She never puts thumb but always signs. Naturally, the thumb impressions do not belong to her. This shows that the shopkeeper had been drawing her ration by faking thumb impressions in her name for the last so many months.

Triveni was shocked. But now she was equipped with foolproof evidence to proceed against the shopkeeper. Before she could take any action, the shopkeeper came to her house and pleaded with her not to take any action and that he would mend his ways in future. Since then, Triveni started getting right amount of ration at the right price.

This case is an eye opener how the tool of right to information places enormous powers in the hands of the common people. In ordinary course, none would have listened to a poor person like Triveni. But equipped with the information that she received under the Right to Information, she could get the ration dealer deliver. This
shows how Right to Information really tilts the balance of power in favour of the people. It redefines relationships between the people and the government in real terms.

Encouraged by the results in Triveni’s case, Parivartan applied for the records of last four months of all 17 Ration Shops in Sundernagar, a resettlement colony in East Delhi, under Right to Information Act in March 2003. The idea was to do a social audit of all the shops and establish the quantum, nature and modus operandi of corruption indulged in by the ration dealers. It was also thought that the records would be made available to the people of this area so that they could see for themselves how much ration had been siphoned off in their name in the last many months.

16. Only one application under the RTI Act transforms the whole scenario Apna Panna, 15 Mar-15 April 2006

How the Right to Information can change the way the officials work to torment the common people has come in an example from Gujarat. In the Kalol Taluka of Panchmahal District of Gujarat State people living in 60 villages were, very unhappy with the attitude of the local Supply Department who had fixed Saturday for all ration card related works. Now the reality is that in Gujarat all Government offices open only on first and third Saturday of the month. On these two days people used to make a long queue for issuing of new cards or adding new names in the existing cards. The queue used to be so long that
sometimes their turn did not come and the office hour was
over. Sometimes the concerned staff was also not present.

Then came the Right to Information Act in October,
2005 and one Aslambhai, a resident of Kalol, made up his
mind to use this Act. Aslam came to know about this Act in
a workshop organized by the Commonwealth Human Rights
initiative. In his application, Aslam asked what was the
legal basis for doing the ration card related business only
on Saturday? If there is a resolution of the Government in
this regard then its copy may be provided to him.. Along
with this he asked for the copies of all Government
resolutions related to the ration card process. When he
went with his application to the PIO, he was first told that
he (the PIO) had no orders to give such an information and
hence Aslam’s application cannot be entertained. Then
Aslam got a bank draft of Rs. 10 prepared and sent it along
with the application by post. Fifteen days later Aslam
received a phone call that the officials wished to meet him.
However, Aslam refused this offer and said he does not
want to meet and said he only desired to have information.
The officials also tried to influence him through his father.
In fact they wanted that he does not demand the copy of
the Government resolution because there was no such
resolution. The officials had fixed Saturday arbitrarily.

Ultimately the officials had to give in writing that
there is no such resolution. As a result, the people of the
area have no longer to wait for Saturday as forms are now
available on every working day and can also be deposited
on any day.
Encouraged by Aslam’s initiative the local people asked for the copy of the government resolution regarding making of new ration cards. Seeking of this information has helped in removing corrupt practices in the making of ration cards.

17. **Students application under RTI gets MLA Jittery**

Academically, I knew what RTI means and what it encompasses, but never before did I know its power till I exercised it myself. For years I had been residing in Shahdara and have ignored the bad roads and bad sanitation.

On September 22, 2004, I filed an application at MCD office of my ward (87) to seek the list of all developmental projects awarded in the ward along with their respective maps.

I ought to have received the information within a month but for three months the corporation was mute. The only correspondence I had was with the junior engineers who persistently tried to tell my family and me that asking for information was worthless.

I was furious when a man dared to come to my house and said that the MLA had sent him saying the girl who has filed the application should speak to him over the phone. The man also left the phone number of the local MLA.

I decided to appeal to the public grievance commission but unfortunately the day my case was to be heard coincided with my university examinations. Thus, in my absence my case was closed.
But, I was offered to make available the information for a fee of Rs. 535 (Rs. 5 each for 107 pages). I made the payment on January 6, 2005. Then again came the period of silence. The corporation had accepted the fee but the information wasn’t provided for weeks.

I personally made several visits to the office only to hear excuses from officials for not being able to provide information. At last on February 12, 2005, I was handed over incomplete information and the rest is awaited till date. Over the fast few months a lot of my money, time and energy has been drained which is invaluable to me as student.

But, the entire exercise has exposed me to a world of blatant corruption and dishonesty. It has unraveled the scant regard the government officials have for the laws. They believe that provisions of RTI are merely on the papers.

I am sure RTI is more powerful than these irresponsible officials estimate it to be. I am determined not to give up. I shall strive till these officials are tackled stringently.

After all, information is my right and I shall have it!

20. A weapon to get the work done without bribe.⁶

For the people living in the Jhilmil area of Delhi, the RTI Act became an effective weapon to get their work done without giving a bribe. These people needed income certificates to get their children admitted in the public schools against the “poor class quota” but due to corrupt

---

officials in the SDM office it was being delayed. Similar was the position as regards the residence certificate and officials were always saying come, in the morning and then in the evening. In the circumstances when the RTI Act came the people of the area invoked it by asking that why their applications have not been attended to so far and they also asked for the names of personnel who had to prepare income certificates. This alerted the officials in the SDM’s office and all the required certificates were issued within two or three days. Thus slum dwellers whose voice could not be heard in the SDM’s office were now asking like a boss. Such is the power of the RTI Act. Even bribe would not have expedited their work at such a speed as the RTI Act.

18. Delhi university students use RTI

Using the Right to Information Act, 2005, students of Delhi University’s Campus Law Centre and Law Centre-I have joined hands to file more than 100 applications for obtaining the evaluated answer-sheets of their LLB examination, results of which were declared recently.

Students are seeking fairness and transparency in the examination process. Their demands include disclosure of names of examiners, publication of tabulation sheet and scheme of evaluation and model answers.

“Section 4 of the Right to Information Act, 2005 provides for SUO motit disclosure of some information within 120 days of the enactment of the Act. But even after a lapse of around nine months, Delhi University has not yet published these suo niotu disclosures. Application
under the RT1 Act has also been filed for this suo niotu disclosure,” said Campus Law Centre Students’ Union joint secretary Naushad Alam.

According to a release issued by the Campus Law Centre Students’ Union, earlier on a similar application for obtaining answer-sheets, the Public Information Officer of Delhi University had refused to give the answer-sheets and said that these pertained to exemption from disclosure of information for national security and commercial confidence. The applicant has challenged this refusal and the second appeal is pending with the Central Information Commission.7

19. **People terrorized and pressurized into withdrawing their RT1 applications**

For the next few days, a reign of terror was struck by the ration dealers all over Delhi. Almost all the applicants, who had filed their applications seeking inspection of records on 29th August, were visited by ration dealers and in some cases by the Food officials. They were offered bribes in the form of money, grains etc. They were pressurized into withdrawing their applications or face consequences. Some such instances are:

Lata Sharma stays in Yamuna Vihar. She had sought to inspect records of all shopkeepers in her area. For about a week, ration dealers kept visiting her house daily in her absence. They offered her mother to accept Rs. 80,000 and to ask her daughter to withdraw application. They even

---

7. Source. The Hindu (http://www. hindu. com/2006/04/06/SIOrgeS/200604061’ 4390300. hIm)
threatened that they won’t be responsible if something
happened to her daughter.

Ankur and Bhalswa Lok Shakti Manch reported
similar incidents from Bhalswa resettlement colony. A
number of women had filed applications to seek records of
ration dealers in their area. These applicants were visited
by the ration dealers along with local Food officials and
were pressurized into withdrawing their applications.

Two poor women in Welcome colony were offered
sacks of grains if they withdrew their applications.

Some people in some areas yielded to threats and
pressures. However, in some areas like Welcome colony and
Bhalswa, the people stood firm and fought against the
vested interests unitedly. The NGO pursued with the Chief
Minister, and the officials met. The Food Commissioner was
transferred.

20. RTI Act works against police as well

Police is not amenable to anything but the Right to
Information has shown its power even here. Jayarnala
Sharma, a resident of Mandawali in East Delhi, set this
example. Last year her mobile phone was stolen. The police
however did not file her FIR. The mobile was insured and
she could get the compensation from the insurance
company but a FIR should be there which could not be
filed due to the negative attitude of the police and she
could not claim compensation within the stipulated period.
Ultimately when the RTI Act came into force, she decided to
raise this issue. On 2 October, 2005 she asked the East
Delhi’s Deputy Commissioner of Police and PIO under the
RTI Act whether a FIR cannot be lodged on the loss of a mobile and if it can be, then why was it not lodged despite her visiting the police more than thrice. Jayamala raised some other questions in this connection whose answers were very difficult to be given by the police.

The above action by Jayamala had the desired impact. Two day later two policemen came to her house with a copy of the FIR, but Jayamala no more required it because the period of receiving the compensation had expired. The policemen came again during her absence and handed over the copy of FIR to her mother. However, nothing happened to Jayamala’s application under the RTI Act. After her first appeal two policemen again came with half cooked information but Jayamala refused to accept it saying that now she would ask for information only before the Appellate Authority. On January 29, 2006 when the first hearing on Jayamala’s appeal took place, the Deputy Commissioner of Police and PIO was reprimanded. As a result the DCP called Jayamala to his office and personally apologized for his behaviour and also agreed to compensate the loss. After some time a Sub Inspector from the Mandawali thana came to her house and gave a mobile and also gave in writing that it is as a compensation for the loss she suffered.8

21. Officers penalised for giving false information under RTI

A query piloted by Dr. Dhyanchandra Patil of Sangli has resulted in the Public Information Officer in the

---

Education Board of the Sangli Municipal Corporation along with the headmistress of the Municipal Kannad Primary School being awarded a token penalty of Rs 250 by the Appellate Authority of the Board.

Patil sought certified copies of the meetings held by the education committee. He did not get any. He went in appeal and had the defaulter PIO fined.

There had been an earlier instance at Sangli of defaulting PIO being fined under MRTI Act.

A requisition piloted by Patil now has led, perhaps for the first time, an officer being awarded a fine of Rs. 2,000 for giving false or misleading information.

The Deputy Director, Sports and Youth Services, Kolhapur, acting as the Appellate Authority under the Act on November 9 has imposed a fine of Rs. 2,000 on the District Sports Officer of Sangli for violating the provisions of the MRTI Act.

22. **Unlawful transfer of an honest officer reversed**:

If people wish, they can force the government to change its decision by using the right to information.

Alert citizens in Mumbai’s Chembur area set a unique example by forcing the Government to reverse the transfer orders of an honest official in their area. Sudhir Naik, an Assistant Commissioner in Greater Mumbai Metropolitan Council was transferred to the BMC headquarters. He had been to the ward only a year ago but had the image of a good officer. He had initiated projects like “Zero garbage drive” to keep the ward clean and the people were very happy with the results. The cleaning staff had begun to
perform their duties. He was suddenly transferred out. The decision to remove him from the area after just a year was not acceptable to the local residents. A member of the Chembur Citizens’ forum N Ganeshan talked to an organization working for the right to information in Maharashtra and it was decided to seek information on the transfer of Sudhir Naik. Kewal Semlani of the Rights Group sought details from the BMC over.

Which officer proposed the transfer of Sudhir Naik?.— As per rules, an officer cannot be transferred before three years. What are the reasons for his premature transfer?
— The photo copy of the files involving the transfer were also sought.
— Whether this is a violation of any laws?

But before the beans could spill, Nayak was reinstated in his post in the same ward.

This may be the first instance of the power of public prevailing upon the government to stop the transfer of an official who is considered honest, upright and delivering the goods.⁹

23. Harijan basti improved in Delhi

There existed a small Jhuggi Jhopri cluster of Harijan Basti in East district of Delhi. For the last four years a few volunteers and the residents were trying to get a road that runs parallel to the cluster repaired. The local Municipal Councilor and the MCD officials continuously gave false reassurances that the repair work will begin soon. In November 2004, half the road was repaired and the other

---

⁹. Courtesy Manish Sisodia.
half was scheduled to begin in April 2005. However, the work did not begin. Only after a Right to Information application was filed in July 2005 that the work actually began. The MCD engineers kept the applicant informed of the progress made on the road and after the work was completed, an inspection was carried out and sample of material was also taken.

BSK II Stage is basically a residential Layout which is fast becoming as a commercial area due to its location as link between Jayanagar and other parts of Bangalore with New layouts viz, Padmanabnagar, BSK III to VI Stages and proximity to Ring Road. In last 3 to 4 years Bangalore Development Authority which had formed this layout nearly 4 decades ago continues to approve conversion of residential plots of even 40 X 60’ to commercial without proper plans and in spite of opposition from peace loving senior citizens and Welfare association of the lay out. This is happening due to money power and also greedy fellow citizens who desire to multiply their wealth by using the excess money they hold at the cost of inconvenience to the fellow senior citizens and vehicular traffic. The Competent Authorities never bother to visit the location to survey whether it is feasible (like width of the road, necessity of such complex in public interest, objections from neighbours, etc.), since the owner for using their vested discretionary power in their favour has compensated them.

To ascertain whether building owner has obtained the occupation certificate from BMP before letting out the premises Form ‘A’ under Karnataka Right to Information
Act (KRIA) was submitted to BMP. Since there was no response till one month, case went in appeal. On the hearing day of appeal, the Joint Director Town Planning provided the information in writing. The occupation certificate has not been issued to commercial building asked for. Again the NGO used KRIA and applied for the certified copy of the approved building drawing from BMP and also for a certified copy of the approval for converting the residential plot to commercial from BDA. The BDA informed that the residential plot under question has not been converted to commercial. The certified approved drawing received from BMP shows that the approval is for a residential building where as the commercial building is built and is operational. Next step was to ask concerned authority whether trade license is issued.

24. **Obstacles created by the MP Government**

The MP Government has adopted such procedures that these have created obstacles in the proper use of the RTI Act. For example, the fee for getting a sample has been left to the discretion of the competent officer and hence officials are demanding indiscriminate amount. The people who are using the RTI Act have also to face the indecent behaviour of officials which is another problem.

A number of NGOs have taken up the task of making the people aware about these and thus, create an environment against such rules of the MP Government which are opposed to public.10

---

25. **An awakening in capital city**

East of Kailash is considered a posh colony in Delhi but the civic infrastructure in the area is miserable. Residents have no water supply and are dependent on either Jal Board water or buying drinking water from the markets. Roads are in such bad condition that a few cars have had breakdowns and tyre bursts while traveling on them and pedestrians have injured themselves while walking on the uneven surface. Parks are infested with weeds and there was one incident of a snake crawling over a person who was meditating in one of the parks. There is no proper sanitation. Drain water slashes around near the main G-Block market, dead tree leaves lie about everywhere and there is general dirt on the roads. Back lanes are dug up by MCD and various other agencies and left unattended for months. There is no street lighting in the back lanes either.

The Right to Information (RTI) campaign started in East of Kailash sometime in October 2004. The first application was filed in the Central Zone MCD office asking for details/information regarding list of works for roads done in the respective ward.

Overnight, a main link road into C&G block (which was, essentially a dirt patch and had been lying around in such a condition for over 2 years) was patched up partially.

In its reply to the information sought, the MCD claimed that Rs. 1.25 lakhs had been spent on a single tile laying work in a period of 3 years in repairs and maintenance of roads. On verifying the actual site
drawings, it was found that most of the work claimed to be done was either missing on the ground level or had been done in a secluded part of the colony not benefiting the residents.

Although credible information was not given for the queries asked in the application, the road repair generated excitement amongst residents and 9 new applications for the Central Zone and 7 applications for the South Zone were filed. (For some incomprehensible reason, C Block falls under the jurisdiction of the MCD South Zone and G Block falls under that of the MCD Central Zone although both the Blocks lie in the same part of East of Kailash). The applications asked the MCD questions regarding amounts spent in the area on repair and maintenance of roads, parks, sanitation, sewers, street lights, back lanes etc.

After a meeting with the applicants and 3 MCD officials (including the Deputy Commissioner of South Zone, MCD), the PGC chairperson reprimanded the officials (Deputy Commissioner, Superintendent Engineer, Executive Engineer and Assistant Engineers) and gave them show cause notice for inaction and asking them why they should not be penalised.

Immediately after that, all the back lanes of G Block were overhauled and repaired. Sweepers started cleaning all the lanes in the block. Footpaths in the by lanes were cleaned and cemented. The DC came to one of the residents with his entire department where a meeting was held with
concerned applicants and verbal promises regarding repairing roads and sprucing up of parks were made (These are some of the experiences of Parivartan, an NGO in New Delhi, as reported through Internet and print media).

The outcome of the RTI process in partnership with Parivartan has been a sense of empowerment to individual citizens. It shows that although there is corruption in the system, it can be fought and government officials can be brought to book with persistent and sustained efforts. It’s easy to sit and criticize the government, but very difficult to take up action to reform the system.

26. **Records arrive in welcome colony — verification begins**

The new Food Commissioner called all these records to his office, from where they were made available to the applicants on 29th October, 2003.

As soon as the records came out on 29th October, 2003, some ration shopkeepers in Welcome colony approached the applicants and offered apologies. They also publicly apologised before a gathering of about 40 women and requested forgiveness. They said that they were ashamed that they had been cheating the people all through and that now they would improve. They further requested the women not to use the records obtained by them. The women agreed to grant them an opportunity.

27. **Forty percent of city’s hoardings illegal**

A new resident of Bangalore Vinod Malhotra, finding the city dotted with life size hoardings of political leaders, felt as if the city is always in the election mode. In this
connection, he made several complaints to the Deputy Commissioner of his area but as expected nothing happened. He was also helpless and could do nothing. However, when the RTI Act came in 2005, he asked information from the Bangalore Municipal Corporation about the number of such hoardings and the income from them. At first the same Deputy Commissioner who was now also the PIO refused to give information on the ground that since such information is available with several Departments it should be sought from all of them. Vinod Maihotra’s first appeal also did not evince the desired response. However, as soon as the second appeal was filed the whole department became active. In other words, the information was sent right at Vinod Malhotra’s desk in which it was reported that 40 per cent of city’s hoardings were unauthorized. Now these need to be removed because the Corporation knows that people like Vinod Malhotra are keeping an eye on the activities of the Government through the use of the RTI Act.  

28. False record of the vehicle:

When you are buying an old car, its registration papers could be bogus. However, by using the RTI Act you can save yourself from being fleeced. This is the lesson we get from what happened with one Natwar of Chandigarh.

Natwar bought a second hand Maruti Zen car as 2000 model. Later it met with an accident. And when the papers were sent for claiming compensation to the insurance company it was found that it was 1996 model. Thereupon

Capt. A. N. Chopra, on behalf of the insurance company, sought certain information from the Government’s Registration Department which they declined to give. Capt. Chopra knew about the RTI Act. Hence he used this to seek information. Having got the documents connected with the car, it was found that Natwar purchased this car from the Royal Car Agency who had purchased it from one Urmila Garg, resident of Sector 46 and then the true story came to light.

What happened that after buying the car from Urmila the company forged papers to make it 2000 model and in the process increased the price of the car by Rs. 50,000. Both Natwar and Urmila had no knowledge about it. It is clear that this could not have happened without the involvement of the personnel of the Government’s Registration Department.12

29. **Look where Pune mayor takes her car**

Never mind the Rule Book of the Pune Municipal Corporation (PMC). It says that cars allotted to office-bearers have to stay within municipal limits, but the truth is they have been going beyond limits against rules seeking solace at tourist resorts and pilgrim centres.

Using the MRTI for the second time on the use (misuse) of official cars by elected representatives, Maj Gen SCN Jatar (Retd), president of Nagrik Chetna Manch, has procured shocking details of logbook entries on innumerable outstation trips made by the Mayor, Deputy

---

Mayor, Standing Committee Chairman, Leader of the Opposition and Leader of the House in their official cars.

The total expenditure on cars was a staggering Rs. 51,02,235 from January to October 31, 2003. As for the break-up of official and private use, the PIO was evasive. But going by the over half-a-crore rupees bill in 10 months, it was either that the official cars were making too many outstation trips or that the elected representatives were travelling close to 400 km per day within city limits.

The Log Book entries on outstation trips made by city's civic chiefs led to shocking revelations. Official cars were used to visit places like Mahabaleshwar, Lonavla, Khandala, Jalna, Dhule, Yavatmal and even Nipani in Karnataka. The Mayor's performance takes the cake. According to the Log Book, she pulled off the impossible of being present at two places at the same time. On December 18, the Mayor was at Sangamner in one of her official vehicles and at Alibag in another; on May 31 and June 1, she was at Mumbai and Ahmednagar simultaneously; on September 20, she was at Mahabaleshwar and Nashik at the same time and on December 9, she was in Mumbai and also in Ahmednagar. And now the clincher:

The PIO has confirmed no audit has ever been carried out on the use of official vehicles.

30. Citizens take account of Government

An NGO named Parivartan, secured copies of all the contracts floated by the Delhi Nagar Nigam in two years and on that basis informed the general public of Seemapuri and Sunder Nagari that in the total work order of Rs. One
crore thirty lakhs, work amounting to 70 lakhs was actually not done. Out of targeted 29 hand pumps 15 were not installed. Similarly payment for 29 electric motors was made but not a single was installed. The residents of Rajendra Nagar and Defence Colony also exposed the similar misdeeds of local officials in their area. These activities alerted the officials and they were set right.  

31. **Sweepers start working**

The sweepers posted by the local bodies in different areas hardly report for work. The residents of two colonies in Delhi-Pandav Nagar and East of Kailash, found a solution for this. Under RTI Act they asked for the copies of attendance registers and muster rolls of the sweepers posted in their area and to their surprise they found that a total of 62 sweepers were posted in their colony and they never report for work. Seeking this information had the desired effect and the absenting sweepers who were drawing salary without doing any work began to report for work.

32. **Eleven months’ ration given in two days**

One old and weak person named Kaniram, residing in the village Unton ki Ban in Rajasthan, had an Annapoorna ration card from the Government which entitled him to receive 10 kilos of free wheat every month but he never got it for the last 11 months. On 13 Oct. 2005 Kaniram, under RTI Act, asked the government whether in the last 11 months his ration was released to the ration shop or not. Two days later the ration shopkeeper visited his house and

---

13. From KABIR's Pamphlets.
gave him 100 kilos of wheat. Now Kaniram is getting his free wheat every month (Ibid).

33. **Road repaired**

Udai is a software engineer who resides in the Vasant Kunj area of South Delhi. Everyday he goes to NOIDA for his work. Udai found that the road from Panchsheel flyover to Chirag Delhi which was laid in Feb.2005 had been badly damaged in only 15 days and had become unfit to be used. Under RTI Act, Udai asked for details of money spent on this road and the names of officers who inspected it. This had the desired result and even before the information was provided to Udai, the contractor got the road fully repaired. Many residents in other colonies of Delhi sought similar information about roads in their areas and these were immediately repaired.  

34. **Canteen improved**

The students of Delhi University South Campus were very unhappy with the canteen there but despite their best efforts the contractor was not prepared to improve. A student of Journalism Vibhav Kumar, under RTI Act, sought information about the details of the canteen contract, quality of material supplied and their cost. Within a month the situation improved; now a rate list has been displayed and the quality of material has improved. Not only this a complaint book has also been kept there.

35. **Passport issued**

Rajesh Sharma’s parents of Shahadara, Delhi wished to go to Germany to meet their daughter and for this...
applied for passport. They were, however, not issued passport even after two and a half months of application. They, then decided to seek information under the RTI Act. Seeing the application, the Passport Officer promised action within 10 days and they got their passports in 10 days.

36. **RTI eludes even the VIPs**

RTI Act is still a distant dream whose realization is not in sight in the near future in Uttar Pradesh—even for the likes of former DGPs.

Prakash Singh, former DGP of the State and later DG, BSF, wanted to seek information under the Act about the number of security men and weapons provided to certain mafia dons and a politician. The problems faced by the former DGP in simply filing an application form under RTI Act makes it amply clear that the ball has not started rolling here. Much to Singh’s surprise and consternation, he was informed by the State Home Department that even the Charter of Rules pertaining to the RTI Act for the Home Department had not been drafted. Neither was the Department aware how the applications were to be accepted. The Department does not have the application forms, nor idea of the fee to be charged, or which account the fee will be deposited in.  

37. **Encroachment removed, courts cleaned through RTI**

The Newsline report had also highlighted that the Federation of Pollution and Park Management Committees

---

16. This story was published in The Times of India, 9 December, 2005 case..
had sought information regarding the maintenance of parks, but had not got a response. On this, the Commission has written to the MC Public Information Officer, the Commissioner and the Joint Commissioner, asking them to reply within 15 days.

The report had also mentioned that Suresh Kumar, a resident of Chandigarh Road, had sought some official information regarding his plot, which was allegedly sold to someone else. PUDA has not provided the information till now. Today, Suresh said, “I went to the PUDA office this afternoon. They told me that the inquiry report will be provided to me by tomorrow.”

38. **Official speaks**

MUNICIPAL Commissioner S.K. Sharma said, “we have deputed information officers at all levels. Joint Commissioner Jaswant Singh has been deputed as the Public Information Officer. If anybody has been denied information due to any reason, I will take action against the officer concerned. Also, the pending complaints will be cleared on top priority. We have no hitch in giving information to the public.”

39. **RTI gets Sudesh his flat back**

Sudesh Shukla has unleashed the potential of the Right to Information Act like no one else — he has filed 80 applications so far with different agencies and met with considerable success. The feather in his cap, however, has been his use of the Act to get back his apartment from a housing society, which claimed he was not a member.

Way back in October, 1990, Shukla became a member of Jhulelal Apartments, a housing society in Pitampura. In February 1992, he was allotted a flat after having paid over Rs 2 lakhs to the society. By 1995, he had already paid Rs 4 lakhs. So, imagine his shock when in 1997 he was told that his allotment had been cancelled because he was not one of the original 600 members and that his name was wrongly registered by the old management but rejected by DDA. What’s worse, they said he had paid only Rs 100 as registration charges.

Shukia went to the High Court in 1998. In September, 2000 — even as the matter was pending — the society agreed he was a member and asked him to contact the Registrar of Cooperative Societies (RCS). Shukla went to claim the flat but found it locked. When no action was taken despite a police complaint, he took up the matter with the RCS in 2001 and filed an RTI application, asking the society for the list of members.

“Finally, in September 2002 they gave me the list which had my name on it. The society management had nothing left to say and I took possession of my flat in February 2003. Meanwhile, RCS also took a decision in my favour,” said Shukla.

Shukla has an RTI application pending with the Nehru Homeopathic College that refused to refund his daughter’s fees after she had got her admission cancelled. He asked them to furnish the papers from the UGC or the
University that gave them these guidelines. Shukla has put MCD to the same test in other cases.¹⁸

40. **Government agency contracts not confidential**

In an order that could have far reaching consequences, the Central Information Commission (CIC) has ruled that a contract with a public authority cannot be categorised as confidential.

Government agencies are loath to give information regarding contracts. Government transactions are often kept away from public view under the garb of confidentiality, especially in cases related to defence and national security. While it is early days yet on whether the order will impact such contracts, the CIC’s decision appears to be a step in that direction.

The order issued by the Chief Information Commissioner, Wajahat Habibullah substantiates this by elaborating that in case of “quotations, bid or tender or any other information prior to the conclusion of a contract, it could be categorised as trade secret, but once concluded the confidentiality of such transactions cannot be claimed”.

The CIC has accordingly directed the National Institute of Science Communication and Information (NISCAIR) to furnish information sought by an applicant under the RTI Act. The appellant, Ramesh Chand Sai had sought from the NISCAIR details of a contract with a firm, Deep Security Services, and the employees deployed by the firm.¹⁹

---

¹⁸. This case was published by Indian Express, Delhi in August 2004.
¹⁹. This case was published in The Times of India, 20 June, 2006.
41. **Seeking information is still difficult**

One may think that the government has armed us with a weapon by enacting the RTI Act. But he may find the weapon without an edge if he tries using it at Vadodara Municipal Corporation (VMC). One manages to extract the information after running from pillar to post, chances are that it would be incomplete. For instance, getting information regarding the development on a road project in Tandalja proved to be a daunting task for one M I Sheikh, I asked for some information regarding encroachments from the Coordination Department. Initially they refused to accept any money (as fee under the RTI Act) from me. When I insisted, they refused to accept any cash and asked me to attach non-judicial stamp. However, they did not issue a receipt."

Sheikh had demanded information regarding the work progress on model road ‘near Tandalja, why the work was delayed and a copy of the work order issued for starting the work.” I was told that the electricity poles erected on the side of the roads were to be removed and that VMC had written to the GEB to remove them. However, they refused to furnish the copy of the correspondence to the Gujarat Urja Vikas Nigam Ltd. Also, the information given was very vague in nature,” Sheikh added. But VMC officials claim otherwise,” We accept cash and sometimes even cheques. I have even accepted applications from those who did not pay the fee,” said one of the PIOs. “Actually people don’t know about right procedures and how to pay fee,” he added.
Another applicant Vipul Patel of Aastha Charitable Trust too went through the same ordeal. Patel had demanded information regarding water tanks in the city, when they are cleaned, who cleans them and the cost of maintenance.” I was made to run from pillar to post just for finding the person responsible for dispensing the information. They did not even have the required format for demanding information,” Patel said. “They initially refused to accept the fee in cash so I attached a non-judicial stamp. Though they provided the details within 15 days, they were very vague. I got clear details after I made another application,” Patel added.

“We cannot accept money as our department has only been asked to provide the information,” said city Engineer V.N. Taylor. When asked where to pay the money, Taylor said it can be paid to the concerned Department.

“The civic body has till date received 32 applications under RTI Act and all have been disposed except one,” said PIO Rahul Bhatt. Interestingly, the civic body does not even have a single-window system for getting the information.

Eight officers have been appointed as PIOs officers for various Departments and the onus to track down the right officer lies on the applicant, sources said.20

42. People have to make extra effort for getting information

It is true that the Government of India, by enacting a new law, has empowered the common masses to seek any
information from any government department, the truth is that the people need to make extra effort for it.

Especially (in Uttar Pradesh), for a common man to get information from the government nominated PIO’s is like being victorious in a war. The attitude of the machinery entrusted with the task of implementing the information law is also not positive. In drafting the rules for implementing the Act in UP, some important points have been left out which have created problems for not only those seeking information but also for the PIOs. The rules are not clear as to in whose name the cheque or bank draft of the required fee is to be prepared. Technically, one can now seek information from the block or tehsil to Parliament or the Supreme Court, but for a common man getting information about the “important” places is still far off. In every government department PIOs and APIOs have been appointed. At the State government level officers of the rank of Special Secretary and above have been nominated as PIOs. Most of these officers have their offices located in the State Secretariat where entry is restricted and the common man cannot easily enter there. Hence the problem is that if the desired information is not being made available at the tehsil, district. Division or Directorate level then how to make an application to the PIO located in the State Secretariat. At the reception offices of the State Secretariat no arrangement has been made to receive the application or to easily issue him a ‘pass’ so that he can meet the PIO concerned.21

21. This story was published in Amar Ujala, 17 June, 2006.
43. Seek information, get the gas

The RTI Act can solve your problem of the LPG gas not being delivered to you or being delivered late. Pune’s Vijay Kurnbhhar has a gas connection of Hindustan Petroleum at his residence. His gas agency, Kanika Gas Agency, was supplying him gas cylinders several days after booking. The situation came to such a pass that on December 25, 2005 both cylinders at his home were empty. A fed up Vijay filed an application on the same day under the RTI Act with the HP’s PIO asking him to inform how many domestic and commercial gas connections the agency (Kanika Gas Agency) has, how many cylinders it lifted from the HP Depot and to which of the consumers these were distributed.

Such a query showed a remarkable impact. Vijay had filed the application at 1PM and at 2.45 PM the cylinder was delivered at his home. The deliveryman also took Vijay’s mobile number from his wife. At 6 PM the owner of the Kanika Gas Agency rang him up to request Vijay to withdraw his complaint otherwise he (owner) would be in trouble. He also assured Vijay that he need not book the cylinder in future. Whenever he required he should just inform the owner on phone and the cylinder would be delivered.

Encouraged by this response, Vijay now plans to expose the malpractices involved in the distribution of gas cylinders.22

44. **Monitoring vigilance**

Often we hear that cases of corruption are not taken to their logical end. They are either dropped on some pretext or the progress in these cases is quite slow due to some influence. Now you can keep a check on that. You can seek details from the vigilance wing of any government department or from the State Vigilance Department. Fill up Form A and ask for the following details:

1. Please give a list of all the officials against whom any complaint of corruption was received from any quarter during the period to

2. Please give copies of all these complaints.

3. Out of the above, which of the cases have been dropped and why? I would like to inspect all these files. Please intimate the date and time when I can come to inspect these files.

4. Please indicate the progress being made in the rest of the cases.

45. **Ask questions from your own department**

The RTI Act is not only benefiting the common masses or people harassed by office assistants but also officials unhappy with the decisions of their own respective organizations. An Assistant Engineer in the Bangalore Municipal Corporation M. Rarnesh has exposed the malpractices done in the appointment of Engineer-in-Chief in his own Corporation. On the basis of papers procured by him under the RTI Act, it was revealed that the Corporation decided to continue the retired Engineer-in-Chief Rame Gowda on the ground that no experienced officer was
available for the post. Now on the basis of these papers Ramesh has moved the Court.

46. MKSS gets Information on Minimum Wages and Government Infrastructure Programmes

Advocacy on the right to information has been addressed most effectively in the rural areas of India, where peoples’ movements have shown how information can empower common people in their daily lives. The Mazdoor Kisaan Shakti Sangathan (MKSS) has led the way. The MKSS, born, in 1990, is a massive grassroots organisation that grew out of a local struggle for minimum wages and the realisation that change for the local people will only come through a political process.

People in Rajasthan have always had difficulty getting paid the minimum wage. Politicians would always promise to secure the minimum wage in return for votes. However, these promises never translated into lasting change and, over time, campaigners realised that they had to obtain the relevant documentation, in particular the muster rolls. The right to information and the right to survive thus became united in peoples’ minds.

Initially, demands to see the muster rolls were met with refusal on the grounds that these were ‘secret documents’. These refusals led to a long agitation for the right to access information. By 1994, the MKSS hit upon a new, empowering strategy, based on the idea of a jan sunwai or ‘public hearing’. The MKSS brought people together and simply read out official documents that they had procured, either through surreptitious means or from
officials who had no idea of their import. The documents related to construction records for school buildings, panchayat bhawans and patwari bhawans, dams, bridges and other local structures.

A serious effort was made to ensure that the debate was transparent and accessible to the outside world. The government boycotted the first four hearings. To ensure openness and publicity, anyone could attend and an independent outsider chaired each hearing. Local officials and public representatives were invited, including those likely to be criticised. The proceedings were videotaped. This deterred speakers from misrepresenting information and put them on oath as they knew what they said could be referred to later.

When the records were read out, it was immediately obvious that they contained false information. Examples were, items like bills for the transport of materials over 6 km when the real distance was only 1 km, or people listed on the muster rolls who lived in other cities or were dead. The documentation also proved that corrupt officials and others were siphoning money and that minimum wages were being paid only on paper. The exploitation of the poor in two ways -- by denial of their minimum wages and through corruption by some of the village middle class -- was revealed at the Jan Sunwai in front of the entire village. People who would have been intimidated on their own, now had a platform where they could speak out. This process also brought together the poor and sections of the middle class who had not previously supported them but
now spoke out against corruption, which they realised hurt them too.

With publicity by activists and support from the press, this local movement provoked a statewide, and indeed national, reaction from local functionaries. By this time, people had begun to understand the need for information in order to combat local corruption and exploitation and to take control of their lives. They also came to realise that a ‘social audit’ of funding and disbursement at the village level would bring into question the whole functioning of democracy and accountability, requiring macro-level policy answers. There was a surge in demand for a legal entitlement to access documents in order to counteract bureaucratic and official resistance. After a long battle, the government announced a change in the Panchayat Act, so that people could inspect local documents pertaining to development works.

47. **Examination answer books cannot be seen**

In two rulings, the Central Information Commission rejected candidates’ requests asking to see their own assessed answer sheets. One of the CIC’s arguments was that the examining authority and the evaluator had a fiduciary relationship and thereby qualified for exemption.

While rejecting the final appeals, one by Treesa Irish, a postwoman in Trivandrum and another by D.S. Meena on February 6th and 10th, 2006, respectively, Information Commissioner Padma Balasubramanian applied exclusion provisions of the RTI Act 8(1)(e) and (j) in both cases. Section 8(t)(e) is an exemption on releasing information
available to a person in a fiduciary relationship and 8(l)(j) is an exemption on disclosure of personal information “which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.”

Treesa Irish was a postwoman in a post office in Ernakulam, Kerala. She appeared for a Departmental Examination in April 2005 to be considered for promotion. Neither she nor others from the Ernakulam Division were successful. She requested for her marks sheet and was denied. D.S. Meena was a Stores Superintendent in the North Western Railways. He had applied in October 2005 asking for copies of his answer booklet and those of successful candidates pertaining to a selection examination held in July 2005. Meena had also asked for the answer key.

“It is true that there is no provision in section 8 of the Act specifically exempting disclosure of information relating to examination papers,” said Commissioner Balasubramanian in the rulings, “... when answer papers are evaluated, the authority conducting the examination and the examiners evaluating the answer papers stand in a fiduciary relationship between each other. Such a relationship warrants maintenance of confidentiality by both of the manner and method of evaluation.” The Commissioner went on to argue further: “In addition, when a candidate seeks for a copy of the evaluated answer paper, either of his/her own or others, it is purely a personal
information, the disclosure of which has no relation to any public interest or activity.”

48. Government to exempt examinations from RTI

Following the above decision it was reported that the Central Government was considering a proposal to make an exception for examination bodies like the UPSC and the CBSE under the Right to Information law “to the extent that demands of transparency do not compromise on the integrity of examinations.” A decision was yet to be taken but the Government was veering round to the view that the demand for a partial exemption might not be out of place. If the proposal gets through, “It would cover all public examinations including entrance and recruitment examinations,” so the report said.

So far no action has been taken in this direction.

49. Details of bureaucrats’ personal assets can be accessed

This case established that assets and liabilities of government servants are in the public domain and can be accessed by anyone under the Right to Information Act. State Information Commission (SIC) of Karnataka has given this ruling. The ruling will boost the RTI Act’s power to curb bureaucratic corruption. The SIC said that the assets and liabilities statement of a government official is not a private or confidential document and, as such, may be requisitioned by any interested applicant. Also, ruling on a provision under section 8(1) of the RTI Act, the SIC said

24. This case was published in The Hindustan Times, 14 February 2006.
that information that can be sought by the State Legislature could not be denied to an applicant.

The case in which the SIC made its ruling pertained to a plea filed by the Convener of the All-India Dalit Forum. The petitioner was appealing against the rejection of his request to the Karnataka Labour Department’s Public Information Officer (PIO) for a copy of the service register extract, giving the details of assets owned by a Joint Director of the Directorate of Employment and Training. The information asked for covered the period from April 1, 1996, to March 31, 2005.

Both the Central and State Governments have a rule that stipulates that public servants should submit an annual declaration in which details of movable and immovable properties are provided. A threshold limit is prescribed for the value of properties held.

The PIO rejected the applicant’s request stating that the Service Register of the official concerned was not available with him but with the Accountant General of the State. A copy of the assets and liabilities statement was also refused by the PIO by quoting section 8(1) of the RTI Act. The officer argued that the document sought for, if given, would be an invasion of privacy of the officer concerned and hence the request could not be granted.

In the Forum’s appeal filed with the SiC, it was argued that the RTI Act clearly stated that information that could not be denied to Parliament or the State Legislature should not be denied to any person making a request under the RTI Act.
By upholding of the Forum’s plea, the public has now been provided with an improved tool with which to fight corruption — the raison d’etre of the Right to Information Act.\textsuperscript{25}

\textbf{50. I-T assessment orders now out in the open}

In a move that is likely to cause widespread furore, the Central Information Commission, Mumbai has turned confidential assessment orders of the I-T department into public documents that will be released to the world at large.

The decision was announced under the Right to Information Act (RTIA), in a case involving Bollywood Director Sanjay Leela Bhansali. Consequently, I-T assessment orders, documents which the I-T department keeps ‘private and confidential’, can no longer be described as such. The information commission’s move has made the documents public, irrespective of who the assessee is. The order is likely to generate intense heat and controversy, and could well be vigorously contested before the higher courts by the I-T department.

Assessment orders are documents which explain in detail the reasons for arriving at certain decisions. They contain a great amount of information regarding the tax payer. If the decision is not reversed by the higher courts, the I-T department will be bound to part with details of an assessment order or its copy. A citizen can demand and secure the assessment orders of anybody, the largest tax payer, the biggest tycoon, a well-known politician or a

\textsuperscript{25} This story was published in Indian Express, 11 January, 2006.
powerful celebrity. The Central Information Commission made this decision while deciding on an appeal seeking details of the I-T returns and assessment orders of Applause Bhansali Films, which produced the movie “Black”. The commissioner said the assessment is an action by a public authority and that every action taken by a public authority is in public interest and hence, there is no basis for not disclosing such orders.

“In keeping with the spirit of the RTI 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 assessees. 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. 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. The appeal is accordingly disposed off.” However, the commissioner declined to part with the copy of the I-T returns of Applause Bhansali Films, terming it confidential information, which includes details of the party’s commercial activities and that it relates to a third party. These are submitted in fiduciary capacity. There is also no public action involved in the matter, the commissioner held.
Y.P. Singh, a former ‘PS officer currently practising law, who advised Farida Hoosenally (the appellant in this matter), told ET that he is taking the matter to a High Court to secure full justice. He said the commission’s decision allowing the right to get an assessment order is a major victory, yet the grounds for not parting with the copy of I-T returns does not appear to be correct because the returns ceased to be a confidential document since the amendment in the I-T Act in 1964.

The appeal was filed before the Information Commissioner after the I-T department dismissed an application and first appeal filed by antique dealer Farida Hoosenally under the RTI Act. She was seeking details of the returns filed by Applause Bhansali Films. Farida Hoosenally’s original application was rejected by the concerned information officer. The first appeal order by Chief Commissioner H Tulsyan reiterated the department’s stand that there was no public interest involved in seeking the details of the returns filed by the company and hence, they are not entitled to the information. Tulsyan also held that such information is commercially sensitive to the concerned tax payer, and that it was obligatory on the part of the Information Officer to secure the consent of the respective taxpayer before parting with the information.

The department had asked the company’s consent to part with the information. The latter had declined consent. Ms Hoosenally, who supplied goods for the sets of Black, sought a copy of the I-T returns filed by ABFP, belonging to Bhansali.
She was asking for a copy of the 1-T returns filed for assessment year '04-05 and '05-06. She also wanted a copy of the assessment order for assessment year '04-05' and any related orders.

Tulsyan observed that the appellant was seeking the information to file a case against the producers of "Black" and that the motive cannot be held as public interest. In a move that is likely to cause widespread furore, the Central Information Commission has turned confidential assessment orders of the I-T department into public documents that will be released to the world at large. The decision was announced on March 30, under the Right to Information Act (RTIA), in a case involving Bollywood Director Sanjay Leela Bhansali. Consequently, 1-T assessment orders, documents which the I-T department keeps 'private and confidential', can no longer be described as such. The information commission’s move has made the documents public, irrespective, of who the assessee is. The order is likely to generate intense heat and controversy, and could well be vigorously contested before the higher courts by the I-T department.

However, the Commissioner declined to part with the copy of the 1-T returns of Applause Bhansali Films, terming it confidential information, which includes details of the party's commercial activities and that it relates to a third party. These are submitted in fiduciary capacity. There is also no public action involved in the matter, the commissioner held.
The department had asked the company's consent to part with the information. The latter had declined consent. Ms 1-loosenally, who supplied goods for the sets of Black, sought a copy of the I-T returns filed by AI3FP, belonging to Bhansali.

She was asking for a copy of the I-T returns filed for assessment year '04-05 and '05-06'. She also wanted a copy of the assessment order for assessment year '04-05' and any related orders. Tulsyan observed that the appellant was seeking the information to file a case against the producers of Black and that the motive cannot be held as public interest.

51. **MLAs get treatment, but you suffer**

The tax-payer is paying heavily for inflated medical reimbursement claims made by the state's MLAs and MLCs. In 2004-05, Maharashtra spent Rs. 55 crore to reimburse the medical expenses of its MLAs and public servants. Not an extraordinary amount for 20 lakh State employees, but questions crop up when it emerges that a sizeable chunk of this amount was taken up by MLAs and ex-MLAs, some of them for dubious health problems. Invoking the Right to Information Act, DNA sought information about reimbursements for medical expenses made to elected representatives in the last four years, from 2001-02 to 2004-05.

The copious data made available to us proved to be an eye-opener (see graphic for details). A regional pattern too became apparent: Marathwada topped the claims list with MLAs drawing out consistently high amounts, while...
relatively prosperous regions such as Mumbai, Thane, Pune and even Konkan have had fewer claimants. One MLA claimed Rs. 30 lakh, presumably because of treatment abroad.

No ceiling on claims: There is no bar on the amount elected representatives can claim as medical expenses for themselves and their families (including parents). This privilege is for their entire lifetime, unlike government servants and the judiciary.

Some basic conditions do exist, but officials say these are flouted routinely. The rules decree that hospitalisation expenses will be borne fully by the State only if the person has been admitted to a public hospital or to any of the listed private hospitals for a range of notified ailments. For instance, Bombay Hospital and Jaslok are two hospitals notified for heart disease.

In case the elected representative or his family member has to be admitted to a private hospital not on the list, he can claim reimbursement only up to a ceiling of Rs. 40,000, set by an April 2005 government resolution. “Any bills overshooting this amount are supposed to be referred to a secretarial committee and cleared as special sanction,” explains health secretary Dr Vijay Satbir Singh.

But these norms are hardly followed. Officials in the know say almost all claims are reimbursed without any questioning. Says a member of the secretarial committee, “Every month, we get about four of five claims but these are mostly to do with government staff. We barely had one
or two claims made by an MLA referred to us in the past year.”

In exceptional cases, when the amount is too huge (for example, if the claimant has been treated abroad), the matter lands up before the Cabinet. One of the claims awaiting the Cabinet’s approval last year ran into tens of lakhs of rupees.

Though it bothered him then, chief minister Vilasrao Deshmukh did sign it, considering how critical the support of MLAs is for his government. But he apparently remarked, “This scam should be subjected to a CBI inquiry.”

Proper records missing: There is no central database of payments made to politicians for their medical expenses. Each district has a treasury office that keeps its own record of payments. While some record the hospital and disease in their logbooks, some don’t. All medical bills pass from the legislature secretariat to the directorate of accounts and treasuries.

From there, they go to the, accountant-general’s office, says joint director of accounts and treasuries, V K Shilarkar. The directorate merely keeps a record of the bills. So, it is difficult to know who was hospitalised, where and for what. All the information the directorate can part with is the amount, the MLA or ex-MLA’s name and in whose name (family or self) the claim was made.

For information, DNA applied to the legislature secretariat, but it passed the buck to the directorate of accounts and treasuries. The directorate itself had a
mammoth job of collecting information from six divisions, which in turn had to approach the district authorities.

The information thus obtained revealed some interesting figures as: Payments made from the Mumbai Pay and Accounts office: Pramod Navalkar, MLC, claimed Rs. 6.1 lakh in 2003-04 and 2004-05 for himself. Subhash Sabne, MLA, claimed Rs. 5,04,461 for his wife, son and daughter in 2003-04. Nitin PatH, MLA, claimed Rs. 8,37,551 for himself in 2000-01 and 2001-02 including a lump sum of Rs. 8,01,131 and Rs. 20,000 in 2001-02. NP Hirani, MLC, claimed Rs. 6,57,592 in a single instance for himself in 2004-05. Dilip Kumar Sananda, an MLA from Buldhana district, claimed Rs. 12,31,359 mainly for his mother’s treatment including Rs. 6.37 lakh for kidney treatment at Bombay Hospital and another Rs. 1.26 lakh for his son from 2001-02 to 2004-05. Osmanabad MLA Padarnsinh Patil claimed Rs. 10,85,363 in 2004-05. S.A. Shinde, ex-MLA from Satara claimed Rs. 6,08,710 over four years. B D Shinde, again from Satara, claimed Rs. 4,78,870 in 2001-02 including a lump sum of Rs. 3,47,294, Rs. 5,84,900 in 2002-03 including a lump sum of Rs. 3,78,608, Rs. 1,03,526 in 2003-04 and Rs. 77,233, all for his treatment. Suresh Warpudkar, Independent MLA from Singnapur in Parbhani district, claimed Rs. 4,25,558 for himself and his wife in 2004-05. In Jamner district, one MLA claimed Rs. 11,97,305 in 2002-03. 1-us name is not disclosed Arvind Lele, ex-MLA from Pune district, claimed Rs. 4,93,124 over three years from 2002-03 to 2004-05.
MANY WHO believed that the Right to Information campaign would not lead to benefits, are now gradually turning into staunch advocates, thanks to the ongoing assistance-cum-awareness campaign by HT in association with voluntary organisations.

For PCO owner Charan Singh of Dalibagh, the Act virtually turned out to be a magic wand. His phone was lying dead for the past four days. "I had made several complaints to the department but nothing happened. Not only was I worried because it is my only source of a livelihood but also apprehensive that someone may misuse my number as it had both STD and 1S facility," said Singh.

His anxiety, however, was short-lived. On Thursday, Singh approached the Drive Against Bribe camp at the Baba Sahib Bhim Rao Ambedkar Mahasabha office on Vidhan Sabha.

Road where trained volunteers helped him out in moving an application with the appropriate authority under the RTI. "The response was unbelievable. The phone was restored by the time I reached home," said the thrilled PCO owner.

In spite of such successes, there is still a long way to go thanks to the stiff resistance from the thick skinned 'babus' who look down upon the Act as some sort of a pesky tool in the hands of nosey people. But their indifferent attitude has only made the alert and well informed to pursue and exercise their right with even more diligence. Take for instance, the example of this teenager Mohd. Anas Shamsi, who despite being rebuffed by the
Lucknow MunLipal Corporation (LMC) persisted till they were left with no choice but to accept his applications under the RTI. A cursory look at the questions being posed by this boy makes you understand the LMC’s initial refusal to entertain his complaints. Anas sought information on those behind the decision for constructing a garbage dump bang opposite a primary school in Aminabad. Besides asking the LMC officials whether the structure is legal, Anas has also, questioned the wisdom of those who selected the spot for its construction. Likewise, he has also sought information from the LMC on whether the shops in Ram Krishna Park in Aminabad were legal?

Aynash Vaidh, a former physical training instructor at Yashoda Girls Inter College in Sadatganj has an equally unpleasant experience with the Madhyamik Shiksha Parishad, which has refused to entertain her application inquiring why she has not been reimbursed her duly sanctioned medical bill for the bypass surgery she underwent on June 30.

According to Arundhati, who is helping people how to apply under the RTI, a total of 108 people got themselves registered on Thursday at the camp. “Out of these 74 were assisted by us in filing their respective applications,” she said. But departments like the secondary and basic education, Regional Passport Office, the LMC and health are still refusing to accept applications under the Act, she informed and added that maximum complaints were received against the passport office here.26

---

26. This story was published in Hindustan Times Lucknow, July 7, 2006
52. Lucknow no exception

Lucknow was no exception when it came to misutilisation of the MP/MLA local area development funds. In fact, information provided under the Right to Information Act to retired IG S.R. Darapuri about utilisation of the funds by MPs/MLAs of Lucknow is quite alarming.

Here some MLAs sanctioned funds for private schools despite there being against no such provisions under the rules. Sample this: MP Mohanlal Ganj, Jai Prakash sanctioned 23 works during the current financial year in which 16 were for schools. Of the total Rs. 1.04 crore, the MP gave Rs. 62 lakh to schools, most of them in private sector. In 2004-05 also he had provided huge funds to schools.

Former M.P. Rina Chaudhury from Mohanlal Ganj had also spent considerable amount on schools in her constituency. She gave Rs ten lakh to a school for the construction of five rooms and Rs seven lakh was given to another school for three rooms. Interestingly, the sanctioned fund was directly given to managers of these schools.

Similarly Vidhan Parishad member S.P. Singh also spent MLC fund on schools, the last fiscal year, he gave funds to 14 schools, that is Rs seven lakh of the total Rs. ten lakh spent by him.

Another MLC Sheema Rizvi gave Rs. 57 lakh out of total 71 lakh to schools.
Devi Dayal also paid fund to nine schools. BJP MLC Kusum Rai also gave Rs seven lakh out of Rs nine lakh to schools. Peter Fanthorn’s record was also similar.  

53. **B.H.U. case: CIC warns unwilling babus**

Government Authorities often hide behind exemption clauses in the RTI Act to refuse information without explaining the basis for invoking the exemption.

The Central Information Commission tried to block this escape route, threatening to penalise bureaucrats who spontaneously invoke the exemption list to bar access to information.

The warning came in course of a directive to Banaras Hindu University to release the inquiry report into the death of a student at its Sir Sunder Lal Hospital allegedly due to radical negligence in January last year. The death had sparked off riots at the hospital. The commission observed that the BHU Registrar had adopted a “callous and casual approach” and used two exemptions to bar access to the report “as a pretext to deny the information”.

“The Commission now wants to send the message loud and clear that quoting provisions of section 8 of the RTI Act ad libitum to deny the information requested,” the commission warned, without giving any justification as to how these provisions are applicable is “simply unacceptable and clearly amounts to a Jide denial of legitimate information”. Such refusals, it went on, would attract penalties under the law.

---

27. This case was published in Hindustan Times Lucknow, July 5, 2006.
28. This case was published in Hindustan Times Lucknow, July 8, 2006.
54. **Phones ring again, thanks to RTI**

A Consumer had been running from pillar to post to get his telephone connection restored. Then came the RTI Act. He exercised the R'l'l Act to know what all had been done to repair his telephone. Instead of providing information, the Telephone Department sent its staff to repair the fault. All this happened because of the RTI Act.

Vishnu Gupta’s telephone was out of order for the past three months. The Telephone Department staff even asked for ‘kharcha paani’ to get the phone ringing again. Gupta was not ready to pay the bribe and continued to write to the department asking it to do the needful. Then he learnt about the ongoing RTI camp being run at Ambedkar Mahasabha in association with the Hindustan Times. Gupta approached the camp. Here the volunteers told Gupta about the RTI Act and how to use it. They helped him to fill the application form to seek information under RTI.

In the form, he gave reference of his previous applications and sought information under RTI. He sought the information as to who all are responsible and accountable in the department for his phone connection. He also sought to know the time by when the department will repair the fault. Within a week of RTI application, the department staff visited Gupta home and the phone is ringing.

Despite these success stories, there are many others who came back to the camp to tell that some departments were not accepting RTI applications easily.
Md. Khalid Fahim complained that for past one and half year he had been trying to get his passport made. Finally, applied under RTI to know the status of his passport. He was made to run from one desk to another to get his application accepted.

Officers kept passing the buck, but the form was accepted. There were several others who said that the Lucknow Municipal Corporation, the Education Department and even the SSP office were reluctant to accept application under RTIA.²⁹

**55. DC reprimands Secretary on temple issue**

Chief Information Commissioner M.A. Khan reprimanded principal secretary, (Religious Issues), PL Loi and divisional commissioner, Varanasi, V.V. Singh Vishwen in the Shatrudra Prakash v Divisional Commissioner Varanasi case on Friday. He reserved the decision in the case till Monday.

The case is related to the appointment of divisional commissioner of Varanasi as president of the Kashi Vishwanath Temple Trust.

Khan was also annoyed at the absence of the municipal commissioner of Varanasi during the hearing in connection with the Tarkeshwar Temple. He served a show-cause notice on the municipal commissioner asking him why a warrant should not be issued to ensure his presence during the next hearing that will take place on August 10.

²⁹ This case was published in Hindustan Times Lucknow, July 15, 2006.
Leader of the Samajwadi Party Shatrudra Prakash was present during the hearing of the case. Khan said that according to Kashi Vishwanath Temple laws, a Hindu, who is not a government servant, should be the president of the temple Nyas. Then how was the divisional commissioner appointed president of the Nyas? He asked.  

56. City MLAs’ love for laptops

EVER WONDERED why your area continues to wallow in civic neglect despite the fact “that your local MLA claims to have spent crores on the development work? If not, better get cracking. For you have every right to know how this huge amount of public money allocated to these peoples’ representatives under their local area development fund is being utilised by them.

A query to the chief development officer (CDO) of the district on a simple sheet of paper is all that can get you the answer and put the ‘ieta’ in a spot.

If you are still not sure how to make the right query and go about the process, ask the volunteers at the Drive Against Bribe camp, who will assist you in the job. “In fact, we have already obtained the details of how these funds were utilised by all the five MLAs, three MLC’s and the two members of Parliament from the State capital,” said retired IPS officer S. R, Darapuri, who is supervising the camp.

The information culled by Darapuri and his colleagues on how money under the local area development fund was spent by the members of the legislative council make for some interesting reading.

30. This case was published in Hindustan Times Lucknow, July 15, 2006.
Forget development work or civic needs of the area, one thing that topped the list of our Lucknow MLAs and MLCs was their fancy for a laptop. A sign of the ongoing e-revolution or just a centerpiece of attraction? Darapuri is not sure, though he is certain that almost all these prized possessions have been procured on an exorbitant price (over Rs 3 lakh a piece) to be precise. “I for one know for sure that a branded laptop of a reputed company is easily available for a little over Rs one lakh,” he said.

57. RTI can help change attitude

Using your right could help transform the attitude of powers that be towards your problem.

A case in point is that of Anil Srivastava a resident of Bahraich, who was running from pillar to post for the past three months requesting repair of an out of work transformer in his locality.

His pleas went unheeded till, of course, he came across the Drive against Bribe campaign and contacted the camp office at the Bhimrao Ambedkar Mahasabha office here on Vidhan Sabha Marg. Srivastava narrated his problem to Arundhati, one of the co-ordinators at the camp, who promptly guided him how he to proceed against the department under the Right to Information Act (RTIA).

Anil went to the local UPPCL office and accordingly posted a query with the department under the RTIA. And pronto, the transformer that was lying dead for the past several months came back to life.

31. This case was published in Hindustan Times Lucknow, July 5, 2006.
Anil’s is not an isolated case, the Act is proving to be a goldmine for all those who are willing to make use of it. Ask Virendra Bahadur Singh of Sultanpur, who, like Srivastava, approached the awareness camp for help in breathing life into his telephone instrument that had been lying dead for quite sometime now. Again, an innocuous query to the telecom authorities under the RTIA was enough to make them act and set the problem right.32

58. **RTI’s potent power unnerves men in khaki**

Guess whom the RTI’s potent power is unnerving? Our men in uniform, of course. Capable of taking on the most hardened criminals, these enforcers of law seem to be getting intimidated by concerned citizens, who come knocking on their door to seek information on cases related to them under the Act.

The DGP’s office here was the spectacle of some such unseemly scenes by police officers, who tore away and threw the applications in the face of at least three people for having dared to exercise the RTIA.

Obviously, these officers either had no answers to the queries or they were simply unnerved that the reply could put them in a dock. Or what else would explain the rude treatment meted by the police personnel in the DGP’s office to Jagdish Prasad of Puraina village under Kakori police station. Prasad’s daughter was murdered 15-days ago and the local police, according to him, was refusing to register a case.

---

32. This case was published in Hindustan Times Lucknow, July 8, 2006.
He had approached the higher-ups with the hope that they would do the needful. Instead, he was rebuffed and his application was torn away by the officer on duty. His, however, was not an isolated case. Rail Ahmed of Musibatganj in Mahihabad was also ill treated in the same manner for moving an application seeking to know why certain accused in a case were not being arrested.

Now contrast this with the experience that Anil underwent at a telecom office.

His telephone is out of order for the past four days. Consequently, he went to the area’s telephone office to move an application under the RTI on the matter. “The officials told me not to bother with the paperwork and simply tell them about my problem, which I did and within four hours my phone was restored,” he said.

On Saturday 71 people got themselves registered at the HT’s Drive against Bribe camp at Arnhedkar Mahasabha officer on Vidhan Sabha Marg. Of them 50 were assisted in filing their applications under the RTI. “We are getting complaints that a lot many departments have still not appointed Public Information Officers (PIOs) to receive applications,” said SR Darapuri, who is supervising the proceedings at the camp with the help of trained volunteers and NGOs.

The Regional Passport Office, the police and the Basic Education Departments were still not cooperating, said Arundhati another co-helper. A delegation of these various self-help organizations would call on the DGP and at the
Regional Passport Office here on Tue; take up the issue with them.33

59. **DGP office reaches out to harassed citizens**

After the Regional Passport Office, it was the turn of the DGP office to respond to the people’s right to seek information. A police personnel from the DGP office personally came to collect the applications, which its officers had refused to entertain only a couple of days ago, from the Hindustan Times ‘Drive Against Bribe’ camp on Wednesday.

Contrast this with the treatment meted out to a senior citizen, who had gone to move an application under the RTI before principal secretary, Home.

“The staff at the reception refused to accept my application saying that there was no Public Information Officer in the department,” said a harried Pratap Singh Mathur, a resident of LDA Colony on Kanpur Road.

Instead, they told me to put the application in an envelope and submit it to the chief secretary’s office, he added. Ironically, the list of PIOs appointed by the State Government in various departments contains the name of R.P. Shukla, a special secretary, as the PIO for Home Department.

The plight of V.P. Kannaujia, a former administrative officer in Azamgarh, demonstrates that some thick-skinned ‘babus’ are still hell-bent on dissuading people from seeking redress of then-grievances by exercising their franchise under the RTI Act.

33. This case was published in Hindustan Times Lucknow, July 9, 2006.
A resident of sector - 19/986 Indira Nagar, Kannaujia is on the verge of penury and not in a position to pay even the college fee of his son simply because he is yet to get pension, more than five years after his retirement. He was among the 85 such harassed citizens, who were assisted in filing their respective applications before the appropriate authorities by trained volunteers of the camp at Ambedkar Mahasabha office on Vidhan Sabha Marg.

A total of 90 people got themselves registered at the camp on Wednesday.

People like Bhagirathi Singh, an ex-serviceman from the armed forces, who had applied for a firearm licence with the district administration here on September 28, 2005, refused to grease the palms of the greedy 'babus to get their work done.

“I have completed all the necessary formalities. In fact, Jai Prakash, Member of Parliament from Mohanlalganj, has recommended my application for a firearm licence. But the same is yet to be issued to me,” he said.

Singh, who moved an application under the Right to Information on the issue today, is determined not to pay bribe money to procure his arm licence.

“Some officials, like the District Magistrate of Unnao, are still not accepting applications from the people even though we had spoken to him on the issue,” said S.R. Darapuri, a retired IPS officer, who along with other social
activists like Sandeep Pandey and Arundhati Dhuru etc. is supervising the camp’s proceedings.  

60. Passport to a fair deal

Prashant Gupta had been waiting for his passport for five months now. Having exhausted all means of persuasion to get his job done, Gupta, a resident of 3/417 Vikas Nagar, finally approached HT’s Drive against Bribe Camp on July 4. Here he was helped in moving an application under the RTI with the Regional Passport Office.

He had applied for the Passport on February 17 and was told by the Regional Passport Office staff that it would take them eight months to deliver the passport. But all this was before he moved his application under the RTI.

On Sunday, an excited Prashant, who wishes to pursue higher studies in Australia called up a self-help group leader of the training-cum-assistance camp to inform that his passport had been delivered at his house. “I desperately need the passport as it is one of the mandatory requisites for clearing TOFEL (Test Of English as a Foreign Language),” he had told HT last Tuesday at the training camp at Ambedkar Mahasabha Office on Vidhan Sabha Marg.

On Sunday, several people got themselves registered at the camp. They were then duly assisted by members of the voluntary organisations on moving an application

34. This case was published in Hindustan Times Lucknow, July 13, 2006.
against the department concerned under the RTI. The turnout, however, was marred by the rain.\(^{35}\)

**61. Take heart, they used RTI to defeat LDA-builder nexus**

The Builder-LDA nexus is a familiar story. The combine’s invincibility is an equally familiar knowledge, but, it’s not so now. On October 12, 2005 the Right to Information Act (RTIA) was born and an 85-old-woman-grandson duo utilised its lethal power to optimum effect.

Ashish’s grandmother had entered into an agreement with M/s Smart Builders for constructing the Gauri Apartments on their Hilton Road land near the Meera Bai Marg.

Everything was fine till the builder had violated the agreement.

Gauri Apartments was to be a seven-storey building but the promoters had made it into a nine-storey mansion.

“We were aghast,” said Ashish. “This would have landed us in big trouble as we had signed documents for seven floors. We found that be it the map, compounding, application or affidavits - all had been forged and submitted to the LDA. So we approached LDA to show and give us original documents. But they refused.” But Ashish was desperate to take the battle to its logical end. He had quits in the US and in Mumbai to be by his grandma’s side and fight the case.

From January 2005 till October 2005 Ashish had made umpteen rounds of the LDA office. For obvious

\(^{35}\) This case was published in Hindustan Times Lucknow, July 10, 2006.
reasons, EDA officers did not let him have a look at the documents, “From the chief engineer to the LDA secretary and the V-C, we approached all but none helped,” Ashish said.

By then the RTI Act had been announced. Ashish was bracing up for another round of battle, this time armed with the newborn Act. Even before the RTI Act came into force, Ashish procured a copy of the Act. He studied it well, did his homework and launched the battle afresh.

“On October 12, 2005 the RTI Act came into force and on that very day I filed an application demanding various documents and information. Ours was the first application under RTI, In fact, all the first 16 applications under RTI were ours. When the 30-day period elapsed after the first application was filed, I reminded LDA of it. That did the trick. The LDA did their best to delay things but eventually gave in bit by bit. Towards the end of November 2005 they had to show me some files,” Ashish told the people who had come to the RTI camp at the Ambedkar Mahnsubha office on Vidhan Sabha Marg on Friday.

Speaking on the importance of studying the Act properly he said, “Had I not read the RTI Act properly they would have fooled me. I would have been happy that they showed me the files. But instead, I asked them to give me copies of the documents. They asked me to pay Rs 3,000. I did, But again they dithered. Finally they gave me unsigned and unstamped photocopies. But I demanded certified documents. And then finally in first week of December they
gave me a lot of documents that I had demanded. On the basis of it, I filed an FIR against the builder.”

The increase in the number of floors was not the only anomaly that the builders had managed, they violated other things too, Ashish said.

He said when all this was going on, the builder had started giving possession of the flats to the owners. “They did it even when the Fire Department was yet to give its NOC to the building. In fact, the Fire Department had raised objections regarding fire safety standards adopted,” he added.

After the duo won their war a citizen filed a Public Interest Litigation (PIL) against the LDA, while Ashish Dixit moved the High Court.

Though the story tells what the RTI can do, Ashish could not but resist a comment, “Believe me. RTI is very powerful and an effective tool in our hands.”

So, go ahead and use it.36

62. At ground level in UP, RTI is just an eyewash

Magsaysay Award winner, Sandeep Pandey writes about his experience with RTI in Western UP.

On July 1, when the RTI activists went to file their first application to the City Magistrate’s office, the clerk there refused to accept the application saying that there was no arrangement to accept the fees. So, this was the truth behind nobody coming to file any application!

Visiting Hardoi, Sitapur, Unnao, Chandauli, Varanasi and Sultanpur during the ongoing 1st to 15th July 2006,

36. This case was published in Hindustan Times Lucknow, July 8, 2006.
RTI campaign, which has now become popular as ‘Use RTI: Don’t Pay Bribe’ national campaign, one finds that the officials are quite reluctant to see the Right to Information Act, 2005, implemented in its true spirit. The officials have taken the minimum required steps to ensure that they are not held guilty of violating the law but have not done enough to make it easy for the common person to use this law.³⁷

For example, even if the Public Information Officers are appointed in different departments, the people do not know who they are. A few departments have not even appointed their PIOs. There is no easy mechanism in place to submit the Rs. 10 fees with RTI applications.

The District Development Officer of Sitapur, Makhan Lal Gupta, was the only official in six-districts who is issuing receipts for the fees and accepting applications easily. The CDO, Tahir Iqbal, who was officiating as DM on July 4, was requested to make a similar arrangement in other departments too. He has also issued instructions to various departments to identify their PIO’s publicly.

Until the City Magistrate of Unnao, Dr. Akhilesh Mishra, revealed to the RTI activists on July 5, 2006 that a clerk Vijay Pal in the ADM office had a form which could be filled to access information under the law by paying a fee of Rs. 10 in cash, people did not know that such an arrangement existed. He proudly informed that 29 applications had been filed since the law came into being on 13th October, 2005 and all were disposed. However,

---

³⁷. This case was published in Hindustan Times Lucknow, July 13, 2006.
chances are that not many people beyond the 29 fortunate ones knew that the district administration had made arrangements for people to use RTI Act.

On 29th June when the Hardoi DM, K. Ram Mohan Rao summoned his City Magistrate, the PIO at district headquarters, to find out how many applications had been filed so far under the Act, he was told that nobody had come to do so far. On July 1 when the RTI activists went to file their first application to the City Magistrate’s office, the clerk there refused to accept the application saying that there was no arrangement to accept the fees. So, this was the truth behind nobody coming to file any application! Till July 3rd no arrangement was made. It was only when a complaint was registered with the DM second time and a form prepared by the activists shown to him, lower portion of which could be used as a receipt, he instructed the City Magistrate to use the form and put a system in place. From 4th July, application begun to be accepted with Rs. 10 cash fee.

In Chandauli, even though the DDO had advertised that RTI was in place and applications could be submitted to him, officials were asking people to submit their fee by a Chalan in the Treasury. Now, the Chalan was required to the approved by the official who was to receive the application. Some officials said that they would approve the Chalan only after taking a look at the RTI application. Forms from the Treasury, normally available for free disappeared and resurfaced in the open market for a price of Rs. 5. The various government offices in Chandauli are
located quite from each other. Often, offices are found missing from their desks. People were spending a lot of time running from one office to another trying to submit

In RTI applications. On July 5, DM Muktesh Mohan Mishra was requested to put in place a system so that a cash fee could be accepted with a RTI application on the pattern of DDO Sit or ADM Unnao, He was also requested to make the list of PIOs in various apartments public. In Varanasi till July 6, the Police department was claiming that it was not covered under the law. On July 7, the SSP, Ashutosh Pandey informed the activists that the SP (Rural Area) Lalit Kumar Singh was the PIO in his department and issued a press release to the same effect. The ADM (Protocol), Na handra Srivastava did not have a complete list of PIOs in the District. He written letters, after the people’s campaign began, to various departments to out who their PIO was. Till July 7 he had received names of PIOs from 9 apartments. The young DM Rajiv Aggarwal took interest in the campaign and decided to get receipts printed so that Rs. 10 fee could be accepted along with applications. He was also requested to get boards installed outside offices saying that RTI applications were accepted there.

In Anpur, the DM Veena Kumari Meena said on July 8 that she was providing all the information even without charging the Rs. 10 fee. She was requested to put in place a mechanism so that Rs. 10 fee was accepted with every RTI application so that the applicant would have a right to appeal in case he/she did not receive the desired
information within the stipulated period of one month. The officials are obviously not very happy with the thought of having to put into place a system which is definitely going to increase their load but will also take away from them the privilege of keeping all the information to themselves.

They get irritated when people challenge what had been their prerogative for long. The officials are harassed while the people are jubilant. For the people it is their chance to move a step closer to realize their dream of democracy of the people, for the people and by the people.38

The odds are aplenty. But the winning mantra is persistence, for there may be quite a few hurdles ahead. Serving as light at the end of the tunnel are cases such as of Brijesh Kumar, who managed to help residents of are entire village (Rasoolpur under Jaunpur district) get their ration cards by moving the appropriate authority. Exercising his right to information, he forwarded an application within a week. Not only did he get his ration card but also the process was kick started for his entire village to be benefited likewise.

Even as HT’s Drive against Bribe campaign (July 1 2005 to July 15 2005) is going a long way inspiring and motivating people to get the information they require and jobs done by exercising their right to information, the government departments are simply not cooperating.

They are not appointing Public Information Officers (PIOs) to receive complaints from the common man.

38. This case was published in Hindustan Times Lucknow, July 6, 2006.
Caught in the dark tunnel are people knocking at the doors of the KGMU, the SSP's office, Regional Passport Office, the various caste commissions, nationalised banks and the seat of governance, the secretariat, in the hope of getting the needful done.

Take the case of Prashant Gupta, a resident of 3/417, Vikas Nagar. Eager to pursue higher studies in Australia, Prashant has to clear TOEFL (Test Of English as Foreign Language) for which he needed a passport. Consequently he applied for one on February 17 and was told by the Regional Passport Office staff that at the most it would take three months to deliver the passport.

"When nothing happened I approached the RPO and was told that my LIU clearance was awaited following which I went to the LIU office in Jawahar Bhawan, where a sub-inspector demanded Rs 1,000 from me for submitting the necessary report," he said. On Wednesday, Prashant went to the RPO to seek a reply on the issue under the RTIA but was told that the office did not have a PIO. I then met Public Relation Officer B.B. Arya, who too refused to entertain my application. He merely scribbled on the counterfoil that I was given when I had submitted my passport application form, said Prashant.

Like Prashant, Raj Kumar Verma, a resident of 542/12, Naya Haiderganj, too was turned away from the SSP Lucknow's office as a PIO to receive such application is yet to be appointed there too.

"We had met principal secretary, administrative reforms, Verma and pointed out the problems being faced
by the citizens gaining entry to the department in the secretariat but no correct steps have been taken,” lamented Arundhati, of a self-help group supervising the RTIA camp here. She, said majority of those who came to the camp at Bhim Rao Ambedkar Mahasabha Office on Vidhan Sabha Marg described this hurdle as the main deterrence that prevented them from submitting their applications, “We would now be petitioning the Chief Information Commissioner at the Centre and his representative in the State urging them to issue mandatory directives to all government departments to appoint PIOs and accept Rs. 10 fee in cash against peoples’ applications,” said Shailendra, another trained volunteer at the camp.

Khan issues summons to officials’ bosses

Government Departments continue to adopt a lackadaisical attitude towards the Right to information Act (RTI). On Monday, however, the ‘babus’ had to face music at the hands of the Chief Information Commissioner Justice M.A. Khan, who reviewed the progress of requests for information made by people under the RTI to them.

Khan pulled up officials for not coming prepared with the facts of the case and asked them to send their respective bosses next time round to the hearing. An officer on special duty at the LDA was particularly hauled up by the CIC after he failed to give a proper reply to the query raised by one Chitra Kumar, On an application under RTIA, Kumar had asked LDA to explain on what basis he was not allotted a plot.
"You are not fit even to be clerk," Khan told the OSD even as he issued summons of personal appearance to LDA Secretary R.B. Yadav postponing the matter for Tuesday. Likewise, summons have also been issued to principle secretary, Irrigation and secretary, Irrigation Anant Kumar Singh, who have been asked to appear before the commission on July 24 and July 10, respectively, for not complying with the CIC's order.

Khan said warrants would be issued against all those who do not appear on the fixed date. In all, 11 cases came up for hearing. Of these, while two each belonged to the PWD, Irrigation and Health department, one each related to the LDA, Sahkari Sugar Mill, Basic Education Department, Power and United India Insurance. Besides, 18 fresh complaints against irrigation, revenue, medical, power and other development agencies were registered by the CIC. Khan said that the complaints along with the response of the department concerned should be given in two copies by the applicants to ensure early disposal.39

Right to Information (RTI) does not necessarily guarantee that you will be given accurate information when callous and indifferent officials are out to thwart the very exercise. In the case of Dr. Niraj Kumar, a former Lucknow University professor, the reply by the Higher Education Department to his query left him flabbergasted.

Challenging a decision against him, Dr Kumar had sought the Government Order on the basis of which the university administration claimed to have acted in his case.

39. This case was published in Hindustan Times Lucknow, July 4, 2006.
“I was shocked, when joint secretary Jagannath Pal in the Higher Education Department informed that the said GO was not available with the department,” said Kumar, who was among the 125 people who turned up at ‘Hindustan Times Drive Against Bribe Camp’ on Thursday.

But such attempts on part of the ‘babus’ to hoodwink and dissuade people from exercising their franchise have failed to deter them. Instead, for people like Uday Shuka, it has made their resolve to get the desired information even stronger. Shukla’s is a unique case. “My three daughters, who were studying in Navayuga Radiance School in Rajendra Nagar, have been expelled from the school, simply because I dared to raise my voice against the whimsical decisions taken by its management,” said Shukla. One such step that I challenged was the school management’s decision to change its dress code mid-way through the sessions, he added. Shukla has now petitioned the school under RTI seeking reasons and grounds on which his daughters were expelled from the institution.

On the other hand, the DGP’s office after its initial quick response to the queries posted to it under the RTI by the citizens on Wednesday seems to have once again retreated into a shell on the issue.

It’s officers refused to receive applications from at least two people on Thursday one of whom Raj Kumar, a resident of Naya Haiderganj in Thakurganj was shown the door on the pretext that all officers were busy attending a meeting. “Government officers are simply refusing to mend their ways.
Their attitude continues to be callous and uncooperative,” said S.R. Darapuri, himself a retired IPS officer, who is supervising the proceedings at the camp. 40

63. **RTI Exposes Union Minister**

Again a historical victory for RTI. It was impossible earlier to check misuse of power by VIPs. But the RTI has made it very simple. You can expose any misuse of power by just paying ten rupees. Union Minister of State for Food Processing

Subodh Kant Sahay had misused his power to transfer a CCL officer. This has been exposed through RTI. Based on the information, Jharkhand High Court has stayed the transfer. The court has also issued notice to the Minister to explain his role in such an illegal transfer. Hitesh Verma is an Executive IV grade officer in the public-sector company Coal India Limited. He was posted in its subsidiary company CCL (Central Coalfields limited) at Ranchi as Deputy Sales Manager.

--------------------------

40. This case was published in Hindustan Times Lucknow, July 14, 2006.