CHAPTER IV
ANALYSIS OF IMPLEMENTATION OF THE RTI
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CHAPTER IV
ANALYSIS OF IMPLEMENTATION OF THE RTI ACT BY CENTRAL GOVERNMENT

IV.1 Introduction
This chapter presents the status of implementation of the RTI Act 2005, by the central Government and its instrumentalities, during 2009-10 and a comparative analysis of data for the preceding years. 25 (2) of the RTI Act stipulates that: - “Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section”.

Section 25(3) of the RTI Act stipulates that, “Each report shall in respect of the year to which the report relates-

a. The number of requests made to each public authority;
b. The number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
c. The number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
d. Particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
e. The amount of charges collected by each public authority under this Act;
f. Any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
g. Recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernization, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalaising the right to access information.”
The Central Information Commission (CIC) accordingly solicits report from all Public Authorities in a prescribed pro forma; and has created a portal for posting the required report on line. The Ministries/Departments/Public Authorities in turn submit their returns; and the analysis in this chapter is based on data reported by Public Authorities.

**IV.2 Implementation of the RTI Act**

This section presents an overview of the status of the public authorities in respect of their compliance with the provision of section 25 (2) and 25(3) of the RTI Act. During 2009-10, 64 Ministries/Departments were registered with the database of CIC; who were required to submit return in compliance with the mandate u/s 25(2) and 25(3) of the Act. While all public authorities of 36 Ministries/Departments submitted their return regarding implementation of the Act, as prescribed by CIC; only 50% of the Public Authorities under the control of 3 Ministries/Departments fulfilled their statutory obligation in this regard. However, none of the public authorities within the jurisdiction of 3 Ministries/Departments discharged their mandated statutory obligation at all.

Ministry of Development of North-Eastern Region, U. T. of Lakshadweep and Department of Space did not report the status of implementation of the RTI Act during 2009-10 to the Commission. The number of Ministries/Departments, where all the public authorities reported the status of implementation of the RTI Act has gone down from 40 in 2008-09 to 36 in 2009-10. At the same time; the number of Ministries/Departments where less than 50% public authorities reported their status has also significantly risen from 5 in 2008-09 to 22 in 2009-10. The figure below also reveals that the number of Ministries/Departments, where none of the public authorities reported the status, went up in 2009-10 as compared to in 2008-09; though marginally.
It is worth mentioning that both the numbers of public authorities as well as their percentage, who have submitted their returns, have shown a fluctuating trend over the years (2006-07, 2007-08, 2008-09 and 2009-10). In the year 2009-10, 1427 of 1847 (77.26%) public authorities submitted their return. In 2008-09, 1528 of 1770 (86.33%) public authorities submitted their return; while these figures were 1382 of 1597 (86.54%) and 1168 of 1412 (82.72%) during 2007-08 and 2006-07 respectively. It is significant to note that both the numbers as well as percentage of public authorities, who have submitted their returns in the year 2009-10, have decreased. It is evident that the number of public authorities submitting annual return reflects an increasing trend during past three years 2006-07, 2007-08, and 2008-09, but the current year has seen a drop of six percentage points.
IV.3 Comparative statement indicating the number of public authorities submitting annual report

On the whole more than 75% of the public authorities have submitted their returns as stipulated under section 25 (2) of the RTI Act during 2009-10; however, compliance by all of them, registered in the database of CIC, is yet to be achieved. The right of inclusion or exclusion of a public authority in the database rests with Ministries/Departments. A ministry may create as many departments; and each of the departments may in turn create and register as many public authorities in the database.

Chart IV.3.1 Comparative statement indicating the number of registered public authorities submitting annual return 2006-07 to 2009-10

It seems, however, that Ministries/Departments do not follow uniform basis of creation and registration of Public Authorities in the database. As a result some of the UT administration report as a single public authority, whereas others have multiple departments reporting as separate public authorities. This needs to be addressed by the nodal Ministries/Departments in a manner that facilitates uniform registration concept and universal coverage to all public authorities under their jurisdiction.

CIC stipulates firm timeline for reporting under intimation to all public authorities; and any extension of the same is also notified well in advance. However, the extant mechanism of some public authorities first reporting to the parent
department/ministry; and the latter thereafter reporting to CIC may be resulting in transgression of the timeline and consequent default on the part of some public authorities.

It is also possible that some Public Authorities not receiving any application under RTI Act in a given reporting year do not realize the necessity of report. It needs to be clearly emphasized that even ‘nil’ status has to be reported to ascertain the number of registered public authorities submitting their annual return.

**IV.4. Category-wise Analysis of Annual Returns**

During 2009-10, the number of public authorities, in the category of ‘Independent Ministries/Departments, submitting the returns, was the highest, in terms of percentage. Among others, the extent of compliance was significantly low as compared to 2008-09. Independent Ministries/Departments, Government companies registered under Companies act and Corporations are the top three categories of public authorities complying with the requirement of submission of annual return during 2009-10.

**Status of submission of Returns in 2006-07 to 2009-10**

*Chart no.IV.4.1 Status of submission of returns category wise during 2009-10*
Chart IV.4.2 Status of submission of returns category wise during 2008-09
Chart IV.4.3 Status of submission of returns category wise during 2007-08

Chart IV.4.4 Status of submission of returns category wise during 2006-07
None of the public authorities, in the category of government cooperatives, submitted their annual return during 2006-07 and 2007-08. Although, during 2008-09, 86.6% of the public authorities in this category submitted their return; during 2009-10, only 55.56% of the public authorities under the category of government cooperatives, submitted their return. The improvement in 2008-09 was perhaps due to decisions of the Commission declaring them as public authorities. This could also be attributed to increase in awareness/sensitization in the supply side due to various capacity building efforts by appropriate governments over a period of time. However, a significant decrease in 2009-10 needs to be scrutinized for remedial action. In view of the important role played by government cooperatives in the whole gamut of developmental process, greater transparency and accountability is a necessary requirement.
IV.5 Statistics of RTI Application details

Table IV.5.1

Number of RTI Applications received and their disposal, by Public Authorities, during 2006-07 to 2009-10.

<table>
<thead>
<tr>
<th>Key Aspects</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening balance of RTI requests (as on 1st April of the reporting year)</td>
<td>12,026</td>
<td>23,926</td>
<td>32,792</td>
<td>97,474</td>
</tr>
<tr>
<td>Number of requests received during the year</td>
<td>171,398</td>
<td>263,261</td>
<td>329,728</td>
<td>5,29,274</td>
</tr>
<tr>
<td>Total number of requests at the end of the reporting year</td>
<td>183,424</td>
<td>287,187</td>
<td>362,520</td>
<td>6,26,748</td>
</tr>
<tr>
<td>Number of requests transferred to other PAs</td>
<td>17,331</td>
<td>29,404</td>
<td>34,036</td>
<td>98,663</td>
</tr>
<tr>
<td>Number of requests for information rejected</td>
<td>15,388</td>
<td>18,966</td>
<td>23,954</td>
<td>34,057</td>
</tr>
<tr>
<td>Percentage of rejection via number of applications received during the reporting year</td>
<td>9%</td>
<td>7.20%</td>
<td>7.26%</td>
<td>6.43%</td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)

The number of applications for information has been steadily increasing since 2006-07. The total number of RTI applications at the end of the year rose by approximately 73% in the year 2009-10 as compared to the year 2008-09. The opening balance of applications received under RTI Act at the beginning of a reporting year, i.e. the number of applications pending for disposal with the public authorities as on 1st April, is also showing an increasing trend over the years. The number of cases where application for information has been rejected has also gone down considerably during 2009-10; even though the receipts went up by around 73%. This is indicative of both the preparedness as well as mindset of public authorities in providing information held by them. In 2009-10 34,057 applications were rejected; which was 6.43% of the applications received during the reporting year. There is a significant decreasing trend in the rejections of the RTI applications by the Public Authorities. The percentage rejections during 2006-07 were 9% and during the reporting year it declined to 6.43%.
Chart no. IV.5.1. Decreasing trend of Percentage rejection of the requested Information during 2006-07 to 2009-10
The above chart no. IV.4.2 and IV.4.3 clearly indicates that the number of RTI Application received have grown whereas the percentage of rejection of RTI Application has significant decrease.
IV.6 Top 5 public authorities received RTI applications during 2006-07 to 9-10.

Table no. IV.6.1

Top 5 public authorities received more than 5000 RTI applications received during 2006-07 to 2009-10

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Public Authority</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. of Requests Received</td>
<td>No. of Requests Received</td>
<td>No. of Requests Received</td>
<td>No. of Requests Received</td>
</tr>
<tr>
<td>1</td>
<td>UT of Delhi</td>
<td>34011</td>
<td>UT of Delhi</td>
<td>27061</td>
<td>Ministry of Railways</td>
</tr>
<tr>
<td></td>
<td>Ministry of Finance</td>
<td>70286</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Department of Posts</td>
<td>15339</td>
<td>Ministry of Railways</td>
<td>25506</td>
<td>Department of Posts</td>
</tr>
<tr>
<td></td>
<td>Ministry of Communications &amp; Information Tech.</td>
<td>59674</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Ministry of Railways</td>
<td>11400</td>
<td>Department of Posts</td>
<td>20163</td>
<td>Delhi Police</td>
</tr>
<tr>
<td></td>
<td>Ministry of Home Affairs</td>
<td>45488</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Delhi Development Authority</td>
<td>8303</td>
<td>Delhi Police</td>
<td>14549</td>
<td>UT of Delhi</td>
</tr>
<tr>
<td></td>
<td>Ministry of Personnel, Public Grievances &amp; Pensions</td>
<td>23211</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Delhi Police</td>
<td>6001</td>
<td>Delhi Development Authority</td>
<td>12419</td>
<td>Employees Provident Fund Organization</td>
</tr>
<tr>
<td></td>
<td>Ministry of Defense</td>
<td>16771</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)
IV.6.1 The manner of disposal of RTI applications received by Public Authority

Chart IV.6.1 The manner of disposal of RTI applications received by public authorities during 2009-10

Chart IV.6.2 The manner of disposal of RTI applications received by public authorities during 2008-09

Chart IV.6.3 The manner of disposal of RTI applications received by public authorities during 2007-08
Chart IV.6.4 The manner of disposal of RTI applications received by public authorities during 2006-07
IV.7 Details of amount collected as application fee, additional charges and penalty by public authorities

Table IV.7.1
Break up of amount collected by the public authorities during 2006-07 to 2009-10

<table>
<thead>
<tr>
<th></th>
<th>2006-07</th>
<th></th>
<th>2007-08</th>
<th></th>
<th>2008-09</th>
<th></th>
<th>2009-10</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rs collect ed</td>
<td>Percentage</td>
<td>Rs collect ed</td>
<td>Percentage</td>
<td>Rs collect ed</td>
<td>Percentage</td>
<td>Rs collect ed</td>
<td>Percentage</td>
</tr>
<tr>
<td>Fee Collected (Application)</td>
<td>1593347</td>
<td>51.88%</td>
<td>2483427</td>
<td>57%</td>
<td>3027512</td>
<td>54.66%</td>
<td>4193562</td>
<td>49.05%</td>
</tr>
<tr>
<td>Additional charges</td>
<td>1399392</td>
<td>45.57%</td>
<td>1710694</td>
<td>39.27%</td>
<td>2340406</td>
<td>42.25%</td>
<td>3767632</td>
<td>44.07%</td>
</tr>
<tr>
<td>Penalty Collected</td>
<td>78428</td>
<td>2.55%</td>
<td>162661</td>
<td>3.73%</td>
<td>171246</td>
<td>3.09%</td>
<td>587374</td>
<td>6.87%</td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)

Chart IV.7.1 Break up of amount collected by the public authorities during 2006-07 to 2009-10
IV.8 Rejection of applications

It is evident, from the table and analysis mentioned below, that the number of rejections of RTI application is going down. It is heartening in view of the fact that there has been an increase in the total number of RTI applications received by the public authorities. This is possibly an indicator of increased effort on the part of public authorities to ensure compliance with provisions of the Act; besides strengthening the supply side of the information.

Table IV.8.1

Distribution of rejection of RTI applications during 2006-07 to 2009-10

<table>
<thead>
<tr>
<th>No. of rejected Applications</th>
<th>% age of rejected Application</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2006-07</td>
</tr>
<tr>
<td>0</td>
<td>58%</td>
</tr>
<tr>
<td>1-10</td>
<td>24%</td>
</tr>
<tr>
<td>11-20</td>
<td>5%</td>
</tr>
<tr>
<td>21-30</td>
<td>2%</td>
</tr>
<tr>
<td>31 and above</td>
<td>10%</td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)

The chapter analyzed the RTI applications, appeals/complaints received by the commission from 2006-07 to 2009-2010. The total number of RTI applications received by Public Authorities, on the basis of annual return submitted to the Commission, and appeals/complaints received by the Commission during 2006-07 To 2009-10.

Table IV.9.1
RTI applications received by Public Authorities and appeals/complaints received by the Commission from 2006-07 to 2009-10

<table>
<thead>
<tr>
<th>Year</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total RTI applications received by all Public Authorities under Central Government</td>
<td>183424</td>
<td>287187</td>
<td>362520</td>
<td>626748</td>
</tr>
<tr>
<td>Appeal/Complaints received by the Commission during the same period</td>
<td>6839</td>
<td>11261</td>
<td>15426</td>
<td>22800</td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)

IV.9.1 Receipt and disposal of appeal/complaints by the Commission during 2006-07 to 2009-10.

Table IV.9.2.
Receipt and disposal of appeal/complaints by the Commission during 2006-07 to 2009-10.

<table>
<thead>
<tr>
<th>Year</th>
<th>Receipt</th>
<th>Disposal</th>
<th>disposal percentage (disposal/receipt)*100</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-07</td>
<td>6839</td>
<td>4074</td>
<td>59.57</td>
</tr>
<tr>
<td>2007-08</td>
<td>11261</td>
<td>7722</td>
<td>68.57</td>
</tr>
<tr>
<td>2008-09</td>
<td>15426</td>
<td>13322</td>
<td>86.36</td>
</tr>
<tr>
<td>2009-10</td>
<td>22800</td>
<td>19482</td>
<td>85.44</td>
</tr>
</tbody>
</table>

Source: Final CIC cover (Annual return 2009-10)

It is evident that, both receipt and disposal of appeal and complaints have shown an increasing trend from 2006-07 to 2009-10. The percentage of disposal of appeal/complaints by the Commission, from 2008-09 to 2009-10, has gone down slightly; however, only by less than a percent. Nevertheless, average annual disposal by individual CIC/ICs has gone up.
IV.10 Assessing the Impact of RTI on the Elements of Good Governance

The RTI Act was implemented in October 2005. Though a period of less than six years is too a short period to assess the success of RTI, it may be worthwhile to analyze some evidences, for developing an understanding on how it works and what it does or does not do. We, therefore, propose to find an answer to the question: whether the objectives of the Act are being realized?

The assessment of impact is proposed to be made in terms of the stated objectives of the RTI Act, which are outlined in its preamble, as under: An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

It is stated further more that: Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

In addition to the above, the Prime Minister of India, while piloting the Bill for its passage by the National Parliament, stated, as under, on May 11, 2005 that, “I believe that the passage of this Bill will see the dawn of a new era in our processes of governance, an era of performance and efficiency, an era which will ensure that benefits of growth flow to all sections of our people, an era which will eliminate the scourge of corruption, an era which will bring the common man’s concern to the heart of all processes of governance, an era which will truly fulfill the hopes of the founding fathers of our Republic”.

Evidently, the major objectives of the Act are:

- Greater Transparency in functioning of public authorities.
- Improvement in accountability and performance of the Government.
- Promotion of partnership between citizens and the Government in decision making process; and
- Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance. An attempt is therefore made below to examine the extent to which the RTI has been successful in influencing the above factors in desirable direction.
1. Greater Transparency

With a view to ensuring maximum disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to ‘maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act’.

The public authorities are therefore required to make pro-active disclosures through publication of relevant documents. Besides, the public authorities are also required to ‘provide as much information suo motu to the public at regular intervals through various means of communication, including internet so that the public have minimum resort to the use of this Act to obtain information’.

In compliance of the above provisions of the Act, all the levels of the Government – the Centre, States and Local Bodies, including Village level Panchayats – have put the records in public domain, through publications as well as internet in the regional languages. And, to facilitate the access to information, a citizen has the right to:

(i) inspection of work, documents, records;
(ii) taking notes, extracts or certified copies of the documents or records;
(iii) taking certified sample of material; and
(iv) obtaining information in electronic form, if available.

Thus, all the public authorities have duly placed the information in public domain and that a citizen has the right to observe as to what is going on inside an organization. In the cases where the information sought for are not provided within the stipulated period of 30 days or the information furnished are incomplete, misleading or incorrect, a requester is free to file a complaint or appeal before the Information Commission (IC), for necessary directions to the parties as per the provisions of the Act.

The Commission has the mandate, inter-alia, to impose penalty and/or to recommend disciplinary action against the information providers, if held responsible for obstructing the free flow of information. Accordingly, information seekers and the NGOs have put pressure on the public authorities for promoting the culture of openness in functioning of the Government. A large number of PIOs have already been fined for violation of the provisions of the Act, which has, in effect, created conditions for providing information to a requester.
Impact: Due to perceived benefits of transparency and accountability, RTI applications have annually increased by 8 to 10 times. There is thus massive use of the right to know. Of the millions of applications for information, less than 5 per cent have been denied information under various exemption categories. In effect, thus, there is greater transparency than before in the working of the public bodies. In a large number of cases, the Commission has ordered for providing the details of the decision-making processes, which include ‘file notings, cabinet papers, records of recruitment, selection and promotion of staff, documents pertaining to tender processes and procurement procedure, the lists of beneficiaries of the Government’s subsidized schemes, such as, food grains supplied through ration shops, water and electricity, domestic gas, educational and health facilities, shelter for poor, muster rolls under employment guarantee schemes, etc. The disclosure of vital information, such as above, has thus resulted in checking corrupt practices in delivery of services and ensuring the reach of entitlements to the poor. The disclosure of information relating to use of funds allocated to rural employment guarantee scheme, MLA/MP local area funds, etc. have contributed to advocacy in favour or against the policies and/or political leaderships.

2. Greater Accountability
The RTI provides people with the mechanism to access information, which they can use to hold the government to account or to seek explanation as to why decisions have been taken, by whom and with what consequences or outcomes. In addition, every public authority is required ‘to provide reasons for its administrative or quasi-judicial decisions to the affected persons’ u/s 4(1) (d) of the Act. Until the implementation of the RTI Act, it was not possible for an ordinary persons to seek the details of a decision making process, which was found most often, as ineffective in terms of its outcome. It was, therefore, not possible to hold a free and frank discussion on issues of common concern of people or to fix the responsibility for any action. Such an era of darkness in policy planning is over. The information regime has, in effect, created conducive conditions for every one to have a better understanding of how the government works or how a particular decision was reached. Such a chance given to people empowers them to make appropriate choice of leadership and the policies that affect them. This has begun to happen with salutary effects on delivery of socioeconomic services, particularly for the poor.
For instance, being full aware that the records pertaining to the decision making process, including file notings, are required to be put in public domain, the concerned officials at all levels objectively record the reasons for the observations made by them. Attempts are also made to effectively implement the programmes as the relevant details are proactively disclosed.

**Impact:** In effect, thus, the quality of decision making and delivery of services have duly improved. Also, due to effective implementation of the flagship programmes for alleviation of wide-spread poverty, the mis-match between the planned targets and actual realization has been minimized. Specific mention may be made about the following schemes, which have been provided necessary financial wherewithal as well as administrative support by the Centre and the States for effective implementation of the programmes.

- National Rural Employment Guarantee Scheme (Assured jobs),
- Sarwa Shiksha Abhiyan (Education for all)
- Mid-day Meal Scheme
- Drinking Water Mission
- Integrated Child Development Services
- National Rural Health Mission
- Bharat Nirman (Rural Infrastructure, mainly road, electricity, drinking water, sanitation etc.)
- Indira Avas Yojna (Shelter for poor)

All these programmes and several other similar schemes covered under the MP/MLA Local Area Development Fund aim at providing the basic human needs for maintaining a decent standard of living. These schemes, moreover, enable them to build their strengths and abilities to realize their socio economic objectives.

Even before the enactment of the right to information, similar programmes were implemented but the achievements were always below the general expectations. Lack of legal right to know and to scrutinize the public action and to question the authority. With empowered citizens and free flow of information, there is significant quantitative and qualitative improvement in the delivery of services and realization of benefits of the programmes designed and implemented for the poor.

For instance, disclosure of information relating to:

i) attendance of staff in schools has helped in checking teachers’ absenteeism and students’ drop out;
ii) attendance of doctors and nurses at primary health centres has led to improvement in health care facilities in rural areas;

iii) the details of supplies and distribution of food grains through ration shops has assured the reach of entitlements to the beneficiaries;

iv) the supply and demand for petroleum products, such as, domestic gas has reduced black marketing;

v) muster rolls and beneficiary of employment guarantee schemes has exposed corruption and ensured effective delivery of services to the poor; and

vi) allotment of retail outlets (petrol pumps) and agencies for distribution of LPG gas has ensured fair play and objective decisions, as reflected from substantial reduction in litigation cases in the matter.

As a result of increased Government’s accountability in delivery of services, rural to urban migration has, of late, decelerated, as widely reported in the media. This is also corroborated by the findings of a national level survey (forthcoming), jointly conducted by the Transparency International and the Centre for Media Studies. The survey has revealed that in the opinions of 40 per cent of respondent (all below the poverty line), corruption and malpractices in implementation of poverty alleviation programmes have declined due to RTI induced accountability of the Government and its functionaries at various levels.

RTI route has generally been followed by a large number of people for resolving disputes between the parties on the issues pertaining to the decisions on administrative and commercial matters. Disclosure of information regarding the process of decision making or the grounds for action taken has helped resolve disputes on such issues as claim of refund of taxes paid by the individuals/companies, settlement of insurance claims, payment of dues of contractors, process of sanction and recovery of loans, etc. Since a reply is to be given within thirty days, disputes have been resolved faster. A large number of grievances pertaining to service matters, mainly promotion and pension benefits have also been redressed due to openness and promptness in taking action on requests made under the RTI.

As a result, filing of appeals in the Courts has substantially declined, as reported, for instance, by the Oil Companies, which grant dealerships for distribution of petroleum products. The Courts have also advised the petitioners to obtain information under the RTI before filing the cases before the Courts. It thus shows a strong and positive impact of RTI on transparency and accountability of the Government.
3. Promotion of Citizen-Government Partnership

The RTI Act provides a framework for promotion of citizen-government partnership in carrying out the programmes for welfare of the people. The principle of partnership is derived from the fact that people are not only the ultimate beneficiaries of development, but also the agents of development. The stakeholders’ participation leads to better projects and more dynamic development.

Under the RTI regime, citizens’ participation has been promoted through (a) access to information and involvement of affected groups/communities in design and implementation of projects; and (b) empowerment of local government bodies at village level through the involvement and cooperation with NGOs/self help groups.

Impact: The pro-active disclosure of information has enabled the beneficiaries, mainly through NGOs, to assume a central role in design and execution of projects. RTI has instilled a wider sense of ownership in the development activities. Besides, access to information has enabled the people to participate in economic and political processes through a dialogue between people and the government officials or public campaign on public policies.

For instance, information obtained under RTI, in respect of utilization of funds allocated under rural employment guarantee scheme, has been used by NGOs for campaign in favour or against the political leaders during recent elections in some States, with a desirable impact on political process. Almost all the welfare projects, particularly at Village and Panchayat levels, are being designed and developed in cooperation and support with the NGOs or affected persons, with a view to raising the satisfaction level of people.

4. Reduction in Corruption

Lack of transparency and accountability encourage the government officials to indulge in corrupt practices, which result in lower investments due to mis-use or diversion of funds for private purposes. As a result, the government’s social spending yields no worthwhile benefits, because, for instance, the teachers do not teach, doctors and nurses do not attend health centres, ration card holders do not receive subsidized food grains and the promised jobs are not provided to the people. In the process, it perpetuates poverty and harms the poor. It creates an environment of distrust between the people and the government, which impinge upon the development and jeopardize democratic governance.
Impact: Under the RTI regime, there is unprecedented transparency in the working of public departments. As a result, there is better understanding of the decision making process and greater accountability of government. This has led to reduction in corruption in the country as evident from the following:

i) The Transparency International (TI) has consecutively reported in the last two years that perceived corruption in India (a score of 3.5 out of 10) has declined at the rate of about 15-20 per cent per year, due mainly to the implementation of the RTI Act.

ii) The Centre for Media Studies in collaboration with TI has recently accomplished an all India survey study (un-published) of the poor below the poverty line. The views of the poor have been elicited in respect of all the flagship programmes that have been implemented for alleviation of poverty. At least 40 per cent of the respondents have reported that corruption has declined.

iii) It has also been observed that wherever NGOs are actively involved in the development activities, the perceived corruption is abysmally low.
IV.11 Cases of RTI Act at National Level

The success stories of the RTI act implemented in some states is given in this sub unit of IVth Chapter of the study. A poor slum dweller applied for a ration card. He was told to produce Rs 2000 in bribe to get the card. Empowered with the knowledge of how to use the RTI Act, he made his application without giving any bribe. He had gathered that the bribe-givers got their cards in about 4 week’s time. So he waited for a month after submitting the application. Of course, he did not receive his ration card. He waited for another one month. Then, he paid Rs 10 for the simple RTI application form to ask “up to which date the ration card applications have been cleared and the progress of his application”. He submitted the completed form. This shook the corrupt officials because the true answer would reveal that applications after him had been approved and they will not be able to justify the delay for his application. So, they acted to protect themselves and the poor fellow got his ration card immediately. This story has been repeated many times in getting a road repaired, getting an electricity connection, admissions in educational institutions and so on.

1. Stories from Jharkhand State:

1) Sita Devi from village Kakni, Dist Dumka, Jharkhand had applied for the post of PARA TEACHER under the Sarv Shiksa Abhiyan to Dumka District Education Project in the year 2004, but the Project Officer had selected another applicant who was not academic as qualified as Sita Devi. She had filed several applications to the District Administration & the minister of education, but she failed to get justice. Lastly she went to the door of Hon'ble High Court, Ranchi, but she could not succeed. Lastly she filed an application seeking information under Right to Information and managed to get the joining letter. She finally joined her service.

2) Sokol Marandi, of Dumka a 50 years old schedule tribe was trying to get ration card for more than 6months. His original ration card was destroyed and he was very much needy. He got his application drafted by an NGO and submitted it to the Food Supply Office in the evening around 4.55 p.m. on 03.07.2006. On the next morning at 7.00 a.m., the Marketing Officer visited his village and assured to provide him his ration card. On the very afternoon he was handed over his ration card.
2. **Stories from Chhattisgarh State:**

1) The Ministry of Environment & Forests awarded Clearance to Jindal's 1000 MW TPP without conducting mandatory public hearing. At the hearing before Central Information Commission on 15.02.2007, Director Dr.S.K.Aggrawal representing the Ministry that no public hearing was held before the clearance was given for the first phase (500 MW) of the project. Ramesh Agrawal a member of Jan Chetana (which works on environmental issues) sought information on 23rd July, 2006 regarding Environmental Clearance accorded by Union Ministry of Environment and Forests to Jindal's 1000 MW Thermal Power Plant (TPP) at Tamnar District Raigarh of Chhattisgarh. The Ministry did not provide information despite payment of Rs.318. So a complaint was lodged with Central Information Commission on 7th January, 07. Chief information Commissioner Mr. Habibullah Wajahat took the matter seriously and ordered Ministry to supply the sought information within 10 days and refund the payment Rs.318 on 6th November, 06 and also issued show cause notice to impose penalty.

2) Section 4 of Right to Information Act makes it mandatory to publish public information on various media including the Internet. But Narendra Singh Tomar noticed, the District Collectors of Gwalior, Morena, Bhind, Sheopur, Datia, Shivpuri etc & Police Superintendent of District Morena, Gwalior, Behind, have not published their information on internet till 15th October 2005. So, as an advocate I issued a notice to them through Emails. Proper responses from District Collectors were received almost immediately and they posted necessary information on their websites within 2- 10 hours. But District Superintendent of Police, except of Rewa and Sidhi districts, did not oblige. So I filed an application under the RTI act to S.P. Morena to get some information & also asked the web address of his Published Right to Information Act 2005 14 of 21 information on internet. This prompted action and the websites were updated within two days. I was satisfied that I got success to start implementation in these offices.

3) Vijay Kumar Asthana colleague could not get promotion, so he applied under the provision of Act. Thus he was able to his ACR and came to know that he
has adverse CR in the current year. Through RTI he is in a position to his
ACR, which is otherwise unreachable.

3. **Stories from Orissa State:**

1) More than two hundred women of Baharana and Kunanga village of Banakhandi GP of Gop Block fought for safe drinking water from the Administration & used Right to Information Act for the same. The village women came to Gop Block office in a rally & demanded for safe drinking water facility in their villages. They gave a memorandum to the Block Development Officer & have deposited 108 RTI application forms to know different info regarding same. People of the villages like Baharana, Murkundi, Kunanga, Dasabatia, Sarada etc of Banakhandi GP near Konark have been facing severe drinking water scarcity. The three tube wells in Baharana village installed by Government are salty with iron smell are not suitable for use. Interestingly, their relatives avoid coming this village due to this reason. Generally the villagers provide green coconut or bottle water to their guests for hospitality. In rainy season they collect the roof rainwater for drinking and cooking purpose. In summer every day they have to walk 2 Kilometers to a canal known as Safei Nala (Water Drainage canal) for water. Those who are unable to go long distance they use the water from nearby muddy ponds, which are also used by the villagers for bathing & cattle washing purpose. Banakhandi Gram Panchayat near Pipili-Konark Highway has a population of 5800 and has been without safe drinking since ages. The BDO Mr. Mishra praised their new way of fight for right and promised to visit these villages & solve their problem.

2) Khetramani Samantrai bought a small piece of land near Dhauli, Bhubaneswar from Subha Behera. Karunakar Swain a notary prepared the land deed documents, which was submitted at the District Sub-Register Office (DSO) in Bhubaneswar after completion of the legal formalities. But Khetramani did not receive the original documents in spite of producing the receipt of the deed. Khetramani Samantrai and Karunakar Swain have been constantly visiting the DSO since the last one and a half years but the clerk concerned did not hand over the documents to them. She came to the RTI camp held in CYSD
Bhubaneswar, seeking guidance as to how she could redress her grievances using RTI.

At the camp, Khetramani was assisted by volunteers in filling up the application for information under section 6 (1). A few volunteers accompanied her to the DSO and approached the head clerk to know the cause of the delay in providing the original documents. The response from the clerk was not very convincing.

The case was discussed with the Public Information Officer (PIO) of the DSO. When the volunteers insisted in registering the complain through RTI, the PIO intervened and asked the officials to look into the case and produce the land deed papers immediately. The head clerk then produced the document in 15 minutes and officially handed it over to Khetramani who finally got justice after resorting to the RTI tool.

4. Stories from Rajasthan State:

1) Vivek Agrawal was concerned with irrational distribution of Institutional land by Jaipur Development Authority and he also knew that institutional lands are primarily allotted to politicians, bureaucrats and ex bureaucrats. Hardly any genuine NGO gets piece of land although those lands are meant for them. With this in mind, Vivek Agarwal filed an application to Public Information Officer for land allotments and refusals. There was no response from JDA even after 45 days. Then, he filed an appeal before Jaipur Development Commissioner. But again no response. seeking justice and action. So he appealed before State Public Information Commission. Again we got disappointment to hear that our appeal is not in proper format. But accidentally the copy was marked to Principal Secretary Urban Development, who instructed JDA to provide information. Ultimately on July 25, 2006, JDA provided us details of allotment done during last 2 years. The first name in the list was of this Deen Dayal Upadhyaya Trust. We further collected information about land, trustees, financial transactions, legality, procedural mistakes etc. Local newspapers did not show interest in publishing this story. Then we approached two of our friends in NDTV and Rajasthan Patrika who broke this scam and later it was taken up by media followed by politicians and
advocates. Recently, DDUT has surrendered the allotted land, thanks to the RTI Act.

2) Ramkaran, from Tilonia took 5 women to submit a right to information application on the issue of old age and widow pension to the SDM's office. The SDM immediately called the concerned officer from the pension department. He told the officer that for the last 4 months these women have not received their pension, and the files should be brought to his table immediately.

Before accepting the application he began questioning the officer on the issue. The officer informed that these women had not filed their birth certificates and that was delaying the release of their pension. The SDM instructed the officer to release their pensions and take their birth dates from Ramkaran and the Patwari of the village. So even without RTI applications the five women received their four month pension on the spot.

3) Manish Sisodia a gentleman wanted some personal information from UCO bank in Mount Abu in Jodhpur district, Rajasthan. He approached the bank officials on several occasions but was denied that information. He even tried submitting an RTI application but failed. He then approached the bank with a volunteer from the Dosra Dashak, Yuva Shakti Sangathan. After a big argument the bank manager asked them to come back after a few days to take the information. The volunteer asked the manager to give it in writing on their application that they should come back after a few days to collect the information and said that they would not leave until the manager put it down in writing and gave it to them. The bank manager eventually gave the information without accepting the right to information application.

“Jansunwai” held at Rajasmand Panchayat in Rajasthan. It was noticed that there was corruption of over Rs.70 lakhs in Rajasmand Panchyat in six years.

4) The lady lecturer, Head, department of education in Bhilawada College enquired with the principal how the budget used of her department. A candidate applied for a primary teachers post at Jawja was suspicious about selection process. He demanded documents of process of interviews to the management.
5. Stories From Delhi State:

1) There was a poor woman named Triveni in east Delhi. She has Antyodaya Card (for poor people), but she did not get the foodgrains on this card by the rationing shop (PDS) from the last six months. As per the right to information act she applied and demanded the details of the PDS system of the rationing shop in February 2005. It was noticed that she got 25 kg. Wheat by Rs. 2 per kg and 10 kg rice by Rs 3 per kg. And also in the cash memo there are thumb stapes in front of her name.

2) In Pandavnagar east Delhi the roads were vicious. The citizens have been demanding to repair the roads since last three years. They applied to Delhi Municipality for the information about when did the road repair? under right to information act. The citizens of Pandavanagar got shocked information that the road was repaired before a month. Actually the road did not repair for last three years.

3) The Delhi based social organization ‘Parivartan’ demanded information of the work made by the Delhi municipal corporation. It was noticed that the corporation sanctioned 29 electric meters and released funds for the same. But actually 15 electric meters were purchased. By checking the 68 types of work worth of Rs. 1.3 crores made by corporation, it is found that worth of Rs.70 lakhs assets not available, which was on record.

4) Madhu Manaklata wanted to change her water connection from commercial to domestic supply. She was asked to pay bribe but she refused. She finally managed to get what she wanted in two weeks just by filing an RTI had a commercial water meter and wanted that changed to a domestic meter. I submitted a request for the change,
since there was no commercial activity here anymore. “The Jal Board gave me a bill of Rs 17,000 and they wanted me to pay them the entire amount. I told them that I would not pay the entire amount as I was not doing any commercial work. “They are government servants but they behave as though they are kings. They harassed me a lot. They were disrespectful, and one man, called K K Chaudhary asked me for a bribe. Then I found out about the RTI Act. And once I filed my RTI, the same man who asked me for a bribe, came to me to apologize.

“RTI is a tool that helps you solve a problem very fast.”

5) Harijan Basti is a small cluster in East Delhi where for four years a few volunteers and the residents tried to get a road repaired. The local Municipal Councillor and the Municipal Corporation Department officials gave false reassurances that the repair work would begin soon.

In November 2004, only half of the road was repaired. The MCD officials postponed the rest of the repair work till April 2005. However, no one came to address the problem even till July. A Right to Information Application was filed in July 2005 after which the work didn’t just begin, the MCD engineers also kept the applicants informed of the progress made on the road. After the work was completed, an inspection was carried out and a sample of material was also taken.

6) Eight children belonging to weaker section of the society were denied admissions in Nutan Vidya Mandir, a public school in Sundernagri, North East Delhi. When their parents complained to the Education Officer, Deputy Director Education and Director Education, school
authorities demanded a sum of Rs 3,500 from each student for admission.
Under the weaker section quota, public schools are supposed to provide 25 per cent seats for children belonging to weaker sections. A Right to Information application was filed. All the eight children got admissions and four others got back the Rs. 3,500 charged from them.

7) Mr Balwani, working as Assistant Engineer in Tilak Nagar zone, was transferred within five months of his joining, by coercive pressure from the local MLA. He filed a grievance petition in the Lt Governor’s office and received a reply that he should be compensated with Rs10,000 for the hardships caused to him. Even the orders from the LG office, the then Delhi Vidyut Board Chief and the Chief Minister's Office failed to provide any justice to him. Finally, he filed a Right to Information application on the same issue and received an evasive reply, but at least he succeeded in receiving his compensation of Rs. 10,000.

6. Stories From Karnataka State

1) The group of youngsters of Karnataka established KRIA-Katte for the information demanded from the government. They proved that by using right to information act the problems of people could be solved.

2) In April 2006 C N Kumar had gone to Bangalore City Railway Station to drop my daughter off. The contractor charged me Rs 10 instead of Rs 5 for parking my car. C N Kumar had estimated that the contractor was making about Rs 5,000 extra a day or Rs 150,000 a month on 1000 cars at the front and rear entrance of the station. So he filed a complaint with the Senior Divisional Commercial Manager, South Western Railway and waited for some time. Finally C N Kumar filed an RTI application and asked:

i. Who is the officer in charge of taking action in such complaints?
ii. Has an enquiry been conducted in the matter? If yes please provide copy of enquiry report.

iii. What action, if any, has been taken against the parking contractor? If action taken please provide copy of action taken letter.

iv. If no action has been taken on complaint likely date that enquiry will be conducted.

v. Please provide copy of agreement awarding parking contract.

At last, C N Kumar received a letter informing me that the parking contract has been terminated and that the official rates have been displayed prominently and also received another letter asking me to pay money and collect the information. RTI definitely works!

3) They were not giving us our monthly rations. N M Muthappa complained, and the officials invited us for a meeting. People in rural Karnataka have combined campaigns for the Right to Information and the Right to Food to fight hunger. Poor villagers have successfully participated in social audits and public hearings to demand that the rations due to them are allotted to them at the correct prices. "After a week of public hearing the people got ration cards and new ration shops were opened," says N M Muthappa, Right to Food Campaign, Karnataka.

"For the first time women were confident enough to ask why they were not being given rice and wheat at the correct price. This movement must spread to every village and every taluka," says Seetamma, President of the self-help group in Davangere. It's a matter of national shame that lakhs of people go to bed hungry every night in the country. Karnataka has even had instances of the food grains meant for drought victims being stolen and exported to other countries.

However, it can now be hoped that the new tools of empowerment will enable the people to ask tough questions and demand answers as well as action.

7. Stories from Maharashtra State

1) By the use of right to information Mr. Shailesh Gandhi from Mumbai has focused the case of land given to the private parties by government at lower rate. Mumbai urban and sub-urban
The corporation has given 2 crores sq. meter land @ Rs. 1.40 per sq. meter on rental basis which get Rs. 28 crores per year. But actually the market rate for the same land will fetch Rs. 4000 crores per year.

2) A nationwide awareness-cum-assistance campaign has been launched where people will be encouraged not to pay bribes. The Drive against Bribes campaign began on July 1 and will be on till July 15. Nearly 1500 trained volunteers are available at centers in 48 cities around the country. Eight media partners and more than 700 civil society groups are a part of this initiative.

Common citizens are using the Right to Information as a powerful tool in order to hold governments accountable. People have used it in various ways ranging from addressing issues related to their daily interface with government authorities to influencing major government policies.

For Ramesh Phongde, who worked for the government for forty years, the RTI came as a blessing. After retirement when his first pension cheque arrived he was puzzled to see that the total amount on the cheque was less that the amount due. He had been working with the Pune Municipal Corporation for the last 27 years. When he retired they sanctioned a pension of Rs 5000 when he should have got Rs 7000,” Ramesh Phongde then made several attempts to figure out why such an error occurred. He wrote numerous letters from the Pune Municipal Corporation to the Government of India; however he was unable to get any response. In the last four years he has filed 16 applications and
have visited the pension court five times, but he never got any positive response.

He also tried to get his pension papers released from the Corporation but access to those papers was restricted until a bribe was paid. Throughout his career as a government officer, Ramesh Phongde had never demanded nor paid a bribe and he was certainly not going to pay one now.

Frustrated with the manner in which his own department was dealing with his request Ramesh Phongde soon realised that he will eventually have to make do with Rs 5000. Just when he was going to give into the systems inefficiencies he learnt about the Right to Information Act.

Phongde decided to make one last attempt and made use of the RTI Act to access all the papers related to his pension from the PMC. He also asked for the status of his grievance applications made to the PMC in relation to his pension.

In three months Phongde’s papers were revaluated and his pension was upgraded to Rs 8000 per month. He also received a cheque of Rs 1, 78,000 as payment due to him for the last four years.

For four years, Ramesh Phongde could not get officials to act on his grievance, but as soon as he fixed the responsibility on each one of them in his RTI application, the same officers had no choice but to act.

3) Eighteen officials—ex-servicemen from the Armed Forces have joined the Customs Department since 1990. However, 16 years later, the department does not know much about them, even that their said qualifications are genuine, as the documents of a majority have not yet been verified. The
verification is conducted by the office of Commissioner of Customs (General) based in Mumbai at New Customs House, Ballard Estate, as the commissioner is the cadre-controlling authority in Mumbai.

Commissioner of Customs (General) N Sasidharan, when asked about the officers not having been verified, said: “Verification of ex-servicemen’s certificates is a lengthy process. We keep reminding the concerned agencies.” As per information obtained through Right to Information (RTI) Act, nine ex-servicemen have been employed in the Customs Department as Preventive Officers since 1990—they are responsible for collecting information, conducting raids and seizures—and nine ex-servicemen joined in as examiners—they are responsible for examining goods that come in and leave the country through the customs’ channel.

The 18 officials were employed in the Customs Department through examinations conducted by the Staff Selection Commission. Interestingly, it was only after the RTI application was filed that the Customs Department woke up to the fact that it had never verified the certificates submitted by the ex-servicemen. The Customs Department had verified the certificates of two preventive officers and one examiner. The rest are now in the process of being verified. Meanwhile, the Preventive Officers have been promoted to the rank of Superintendent of Customs while the Examiners’ current status is that of Appraising Officers.

4) Vital projects that will make your commute easier haven’t moved beyond a few steps since 2004. A Right to Information plea filed by Borivli resident Devraj Roy finally lets Mumbaikars know why train travel in the city never seems to improve. Documents of the first presentation made by Mumbai Rail Vikas Corporation (MRVC) to railway state minister Narenbhai Rathwa in 2004, show that projects entrusted to the agency years ago are still languishing. MRVC is the nodal agency to execute all projects that will take Mumbaikars into the future of train travel. The documents show that several projects vital if Mumbaikars are to have a better commute, have moved just about two per cent since the MRVC presentation.
8. Stories from RTI Cases Decided by the Courts:

1) The Canara bank refused to release information about its employee transfer policy and files relating to transfers. The CIC ruled for disclosure and Kerala High Court upheld CIC decision. Diamond Jubilee School: The school argued in Madras High Court that the school is a private institution and is not subject to RTI. The court dismissed the case and ruled that the school is subject to RTI since it gets substantial support from the government.

2) CIC ruled that UPSC (Union Public Service Commission) must release the marks obtained by examinees, the method used to score the grades, the cut-off level for passing the examination, and sample answers of the questions. UPSC appealed to the Delhi High Court. The court upheld the CIC ruling. However UPSC appealed to division bench of the court. The division bench is scheduled to rule on the case. (CW-1770-2007)

3) The Export Promotion Council claimed that it is not covered under RTI, since only a part of its budget was from government and this grant was for specific projects. CIC ruled against the Council and Delhi High Court affirmed the ruling.

4) Arvind Kejriwal requested copies of files dealing with selection and posting of officers by Department of Personnel and Training (DOPT). The request was refused. Arvind appealed to CIC and CIC ruled that DOPT had to show the files to Arvind. DOPT showed the files but refused to give him copies of the files. Arvind appealed to CIC but CIC refused to intervene. Arvind filed writ to force DOPT to give copies of the files. The Delhi High Court agreed with Arvind and remanded case to CIC to rehear the case.

5) J K Gupta asked PA for files on salary and compensation. The request was ignored. CIC ordered the files released and imposed a fine of Rs 20,000/ on the PA. The PA responded to CIC, saying that JK Gupta was Disbursement Officer of the PA and therefore should have the files anyway. (Gupta contends he is NOT the Disbursement Officer and has no access to files). CIC agreed with PA and reversed the fine. Gupta filed writ claiming CIC was wrong in accepting PA’s arguments. The Delhi High
Court ruled in favour of J K Gupta and remanded the case to CIC for further proceedings.

6) Requestor asked for documents from Director of Geology about a lease granted to V V Minerals. The PIO refused the request but the AA ordered the documents released. In response VV Mineral appealed to Madras High Court. The Court dismissed the appeal on all counts and ordered release of the documents.

7) Bhagat Singh Singh asked Income Tax Department, under RTI, for files concerning an investigation into possible tax evasion by his estranged wife. Tax Dept. refused claiming exemption for records under investigation. CIC asked Tax Dept. to release the records once investigation was complete. Delhi High Court ruled against CIC, saying exemption 8 section (h) should be construed narrowly and that the section does not say that the investigation has to complete before records can be released. The court ordered release of records.

9. Stories from Bihar State

1) It has been a year since the Right to Information Act became law and people are starting to see its positive impact in their lives.

Mazloom Nadaf, a 70-year old rickshaw puller in Bihar has built his own house after exercising his right to know. But he spent a long time to get his home under the Indira Awas Yogana – the country’s national housing scheme. Five years after he applied, authorities demanded Rs 5000 to process his application. But he refused to given in and instead fought back with the help of the Right to Information Act.

Nadaf approached the legal aid centre of an NGO working in Madhubani district and sought their assistance in drafting and filing a RTI application. In his application Mazloom asked for the daily progress report made on his application to avail of the Indira Awas Yojana. He filed his application with the Circle Officer for his block who forwarded the same to the block development officer (BDO). The BDO on receiving the RTI application sent for Mazloom and treated him like a VIP and with a lot of respect handed him a cheque of Rs. 15,000 (first installment payment) under the Indira Awas Yojna.
Mazloom’s house is now under construction. He has also been assured by the BDO that all his other requests will also be taken care of.

10. Stories from Uttar Pradesh State

1) The Aashiana rape victim’s father has turned to the Right to Information Act in a bid to pin the accused down. Sabruddin has filed an application at the district magistrate’s office under the Act. He has sought information on whether three of the accused, who are lodged in a juvenile jail, are actually minors. While surrendering in court, the trio had submitted documents which said they were minors. They are on trial in a juvenile court. The rest of the accused are facing trial in the court of the additional district judge.

Sabruddin wants to know if the three accused possess arms licences. If these licences have been issued in their names, no other evidence is required to prove that the accused are not juvenile. Sabruddin will also seek information from the Regional Transport Officer’s office on whether driving licences were issued in their names. He said, “They are not juvenile. All the evidence supporting their claim is fake.” The victim, too, had said that the accused were not juvenile. The father, however, feared that influential family members of the main accused could cause obstacles in getting details from the departments concerned.

The main accused, nephew of a don-turned ruling party leader, had first surrendered before a court and claimed he was a minor. Earlier, he had obtained a stay against arrest from the High Court. Police investigation and the evidence corroborated that the don’s nephew was the first to abduct the girl from Aashiana area on May 2, 2004.

This was confirmed by the victim herself. The car used in the crime was owned by the elder brother of the main accused. The victim had also stated that it was this youth only who was leading a group of goons in the car.

The girl was later taken to the Kapoorthala shop of the youth and from there to a plot owned by the family of the main accused. The accused had taken turns on the girl there, too, before throwing her out of the car near Daliganj railway crossing in a semi-unconscious and critically injured state.
Reference:

3. RTI Success stories accessed from website www.Right2information.com