

THE RIGHT TO INFORMATION IN SOUTH ASIA

MONTHLY NEWS DIGEST

(November 2013)

Compiled by

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Stories of Successful use of RTI and their Impact

01 NOVEMBER 2013

1) Maharashtra govt spent Rs. 7.04 crore on Adarsh commission over 2 years

HT Correspondent, Hindustan Times Mumbai, November 01, 2013

The state government spent Rs. 7.04 crore on the Adarsh commission, which worked for around two years in probing the irregularities surrounding the infamous tower in Colaba.

This was revealed in the reply to a Right To Information (RTI) application filed by an activist.

The amount works out to a per-day expense of Rs83,605.

The expenditure includes the cost on establishment of the panel, payments made to the counsels, and logistics provided to the commission, which worked for 842 days till April 18, 2013, the day on which it submitted its 691page report to the government.

The report is yet to be tabled in the state assembly.

“The legal fee for lawyers was substantial and it is surprising why different departments and agencies of the same government appointed different counsels and advocates,” said Anil Galgali, who filed the RTI application.

The largest chunk of the expenditure — Rs3.97 crore — was towards the remuneration of counsels and lawyers. A senior counsel was paid Rs1.15 lakh per appearance, while four lawyers were paid Rs40,000 and Rs25,000 per appearance.

The expenditure also includes the monthly fee paid to two counsels appointed on per manent basis between January 2011 and April 2013.

Senior counsel Dipan Merchant was paid Rs1.48 crore, while junior counsel Bharat Jhaveri was paid Rs17.90 lakh.

The remunerations were paid by various departments of the state government.

Led by retired high court judge JA Patil, the commission comprised former state chief secretary PA Subrahmanyam and 14 government employees.

The expenditure on the salaries of these 14 employees appointed on deputation between January 2011 and April 2013 was Rs1.88 crore.

The MMRDA, which granted commencement and occupation certificates to the Adarsh society, bore Rs1.02 crore of the total expenditure.

The share was towards the setting up of the office premises at Old Customs, salary of the staff, stationery expenditure and the expenditure on three vehicles allotted to members and secretary of the commission.

The information also reveals that the urban development department is yet to pay Rs1 crore to the counsels and towards other expenditure.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/mumbai/maharashtra-govt-spent-rs-7-04-crore-on-adarsh-commission-over-2-years/article1-1146046.aspx>

Also available at:

<http://www.dnaindia.com/mumbai/report-adarsh-panel-costs-state-coffers-rs7-crore-1912182>

<http://www.indianexpress.com/news/-state-spent-rs-7-crore-on-adarsh-panel-/1189755/>

http://articles.timesofindia.indiatimes.com/2013-11-01/mumbai/43591443_1_rs-1-15-lakh-rs-25-crore

<http://www.thegoan.net/India/Bombay/Will-the-Adarsh-Commission-report-ever-see-the-light-of-the-day/06480.html>

<http://galgalianil.blogspot.in/2013/10/govt-spent-rs-704-crore-on-adarsh.html>

02 NOVEMBER 2013

2) 72 speedboats patrol Maharashtra's coast, reveals RTI query

Saturday, Nov 2, 2013, 11:51 IST | Agency: DNA

The state has around 72 speed boats to protect its coastal districts. These were purchased after the 26/11 attack, when terrorists entered Mumbai by sea.

RTI activist Chetan Kothari, who had filed an application in 2011 for the information, was given these details recently.

In his application, Kothari had sought information about coastal security, the committee formed to meet the modernisation requirement, the money allotted and the staff slotted for the same. As per the information provided by the home ministry, of the total boats available, around 57 speed

boats were bought in the last 10 years — 28 were given by the central government and the rest by the state.

The boats are in the range of Rs1.3 crore to Rs3.46 crore. The reply states the central government will give additional funds for improving coastal security — Rs40 crore in the first phase and Rs62 crore in the second.

As per the reply, the coastal police are provided with 3,304 personnel. All boats are equipped with arms, ammunition and bullet-proof jackets. The navy and the coast guard train the staff.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-72-speedboats-patrol-maharashtra-s-coast-reveals-rti-query-1912747>

3) Only 14 accused convicted in 792 cases under POCSO Act, says NGO

New Delhi, November 2, 2013 Gaurav Vivek Bhatnagar

A child rights group has noted with concern that while as per the Protection of Children from Sexual Offences (POCSO) Act, 2012, the purpose of setting up special courts to try such offences was to provide a speedy trial, the district-wise data provided by the Directorate of Information has presented a very gloomy picture with nearly 95 per cent of the cases still pending decision.

In a letter to Delhi Chief Minister Sheila Dikshit earlier this week, non-government organisation Pratidhi expressed concern that the information it recently obtained on the current status of cases registered under the POCSO Act being handled by the designated courts revealed that in the 792 cases received during the last 11 months only 14 accused were convicted.

“A total of 750 cases are still pending with all the courts. The very purpose of setting up special courts to try such offences is to provide speedy trial, but now 94.69 per cent of cases are pending with the courts,” Pratidhi director Raaj Mangal Prasad wrote.

The NGO has also pointed out that the POCSO Act came into force on November 14, 2012, and its Section-28(1) says that “for the purpose of providing a speedy trial, the State government shall, in consultation with the Chief Justice of the High Court, by notification in the Official

Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act.”

However, Mr. Prasad wrote that “in response to a letter written by Department of Women and Child Development of Delhi Government, the Delhi High Court has conveyed that ‘for the time being there is no need for setting up exclusive courts’.”

He said noting the huge pendency of children’s cases with the designated courts, there is a need to set up exclusive special courts for taking up the cases registered under The POCSO Act.

Thus the NGO has urged the Chief Minister to take up the matter with the Delhi High Court so that such courts can be set up and the pending cases are disposed at the earliest.

Among the various courts, the RTI responses have revealed, only six of the 54 cases were decided at New Delhi District, Patiala House Courts and there were five convictions there; four of 29 cases were decided at East District Karkardooma Courts with one conviction; three of 40 cases were decided at North East District Karkardooma Courts with no conviction; five of 61 cases were decided at Shahdara District, Karkardooma Courts with no conviction; and six of 92 cases were decided at South West Dwarka Courts with no conviction.

Apart from this four of 82 cases were decided at Central District Tis Hazari Courts with four convictions; five of 145 cases were decided at West District Tis Hazari Courts with no conviction; four of 64 cases were decided at North District with one conviction; three of 102 cases at North West District, Rohini Courts Complex and they all resulted in convictions; and one of 55 cases was decided at South District Saket Courts Complex with no conviction; and three of 70 cases were decided at South East District Saket Courts Complex with no conviction.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/only-14-accused-convicted-in-792-cases-under-pocso-act-says-ngo/article5307203.ece>

Also Available at:

http://articles.timesofindia.indiatimes.com/2013-11-01/delhi/43591745_1_special-courts-acquittals-cases

<http://www.financialexpress.com/story-print/1189332>

4) ASI yet to excavate key sites in Ayodhya, reveals RTI query

Allahabad, November 2, 2013 Omar Rashid

The Archaeological Survey (ASI) of India purportedly initiated digging at Daundia Khera village in Unnao after a priest, Shobhan Sarkar, claimed to have dreamt of 1,000 tonnes of gold buried under the ruins of a dilapidated fort.

However, the agency has not conducted any excavation at key sites in Ayodhya though they are “centrally protected.” This was sourced through an RTI query.

The Buddhist organisations in the temple town believe that digging at some of the key ancient mounds like Mani Parbat, Sugriva Parbat and Kuber Parbat could help establish the Buddhist heritage of the town.

Mani Parbat is identified by a *stupa* built by emperor Ashoka. During his stay in Ayodhya, Lord Buddha is considered to have preached the Law of Dharma from here. Sugriva Tila is an ancient monastery. Alexander Cunningham, ASI’s first director general has mentioned the sites in his findings.

However, these sites are not defined as Buddhist under the ASI, reveals RTI information sourced by Ayodhya resident Vineet Maurya. Mr. Maurya who has for the past two decades campaigned in favour of revamping Ayodhya’s Buddhist culture, believes that restoring such spots is the only way to attract a large number of tourists and grants from foreign countries. He has written letters to the Archaeological department, the Chief Minister and the Home Ministry to carry out carbon-dating and declare these sites as Buddhist tourist spots.

“I have got no response till date,” he says. Significantly, in 2011, a petition was filed in the Supreme Court claiming that a Buddhist monastery (Baudh Vihar) existed at the site of the Babri mosque and hence the disputed land at Ayodhya should be handed over to followers of the faith.

Previous excavations

Prior to the Babri Masjid’s demolition, excavations were conducted in Ayodhya by various agencies on three occasions.

In 1969-70, excavation was done by a team of the Ancient Indian History, Cultural and Archaeology Department of the Banaras Hindu University under Professor A.K. Narayan. Another excavation was carried out in 1976-77 by Professor B.B. Lal of the Indian Institute of Advanced Studies and the ASI’s K.V. Sundar Rajan. This was followed by an excavation in

1979-80, when the ASI excavation team conducted a dig with the support of the IAS, Shimla under the direction of Professor B.B. Lal and K.N. Dikshit.

The excavation's findings have been kept at the Old Fort area in Delhi. Later, the ASI also conducted an excavation under the project Archaeology and Ramayan times.

Organisations say digging at some key ancient mounds could help establish the Buddhist heritage of the town

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/asi-yet-to-excavate-key-sites-in-ayodhya-reveals-rti-query/article5307016.ece>

Also Available At:

<http://www.mysistermarilynmonroe.com/2013/11/01/indian-antiquity/>

<http://purj.in/s/ASI-Yet-to-Excavate-Key-Sites-in-Ayodhya.html>

03 NOVEMBER 2013

5) “Bureaucrats will be free under BJP rule”

NEW DELHI, November 3, 2013

Delhi BJP's chief ministerial candidate Harsh Vardhan on Saturday made a commitment that his party, if voted to power, will fully comply with the October 31 order of the Supreme Court to make the bureaucracy free from political pressure.

“This will help in preventing political interference and curb corruption in the administration. Delhi will be the first State in the country where the IAS and other senior bureaucrats shall have complete freedom to work and take decisions in the interest of the people,” Dr. Vardhan said in a statement.

He said the entire system of the government will be made online so that people are able to easily obtain any information under RTI. “Except sensitive cases, the BJP proposes to make all government decisions and proceedings and files online,” he added.

Dr. Vardhan said the BJP wants probity in public life and the administration should work according to the Constitution while bearing in mind the people's interest. “The BJP will remove

all disparities for this purpose. People will get rid of corruption, price rise and lack of accountability,” he said.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/bureaucrats-will-be-free-under-bjp-rule/article5308917.ece>

04 NOVEMBER 2013

6) 81,027 inmates in UP jails against capacity of 48,298: RTI

Gulam Jeelani, Hindustan Times Lucknow, November 04, 2013

Jails in Uttar Pradesh are clearly overcrowded with a prison population of 81,027 against the capacity of 48,298 inmates, reveals an RTI plea.

Urvashi Sharma, an activist, had filed an eight-point RTI plea, seeking details about the number of people in prisons across the state and their total capacity.

The information released by the department of jail administration and reform services indicated that in UP jails the occupancy was almost double the sanctioned strength as on April 30, 2013.

“The total capacity of UP jails is 48,298 while the number of prisoners is 81,027,” read the reply by Sharad, deputy inspector general (prisons) and public information officer (PIO).

The plea further revealed that the jail inmates comprised of 25,567 convicted persons and 55,460 under trials.

For the rest of the queries that included one seeking details about jail inmates even after the expiry of more than 50% of the maximum imprisonment specified for the charges they were booked for, the PIO referred the query to respective jails.

In 2010, an RTI plea revealed that as against a total capacity of 44,439, jails in Uttar Pradesh had 83,803 inmates.

This meant that the occupancy rate in 2010 was 188.5 %. The district-wise reply sought in 2010 revealed that in majority of the jails the occupancy was almost double the sanctioned strength.

“Nothing much has changed over the years,” said Urvashi.

According to the recently prison capacity of 5,850. After Chattisgarh with 252.6 % occupancy and Delhi with 193.8% occupancy, UP is the third on the list with an occupancy rate of 167.7%. In Punjab, 23,219 prisoners occupied space meant for only 17,410 and the occupancy rate is 133.4%. Women prisoners too had to adjust with the overcrowding problem in UP with an occupancy rate of 102.8%.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/lucknow/81-027-inmates-in-up-jails-against-capacity-of-48-298-rti/article1-1146881.aspx?hts0021>

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-11-04/india/43657674_1_up-jails-undertrial-prisoners-capacity

<http://www.asianage.com/india/prison-population-soars-jails-overcrowded-274>

<http://rti-activist-india.blogspot.in/2013/11/81027-inmates-in-up-jails-against.html>

<http://daily.bhaskar.com/article/UP-60-of-prisoners-in-uttar-pradesh-jails-are-not-convicted-of-crime-4424274-NOR.html>

05 NOVEMBER 2013

7) Mandi MC turned blind eye towards illegal construction: RTI

Roop Upadhyay, Hindustan Times Mandi, November 05, 2013

Information obtained through the Right to Information (RTI) Act revealed that the Mandi Municipal Council (MC) has not only turned a blind eye towards illegal and unauthorised constructions of a multi-storied building at the centuries-old religious places along the left bank of Beas river, but also allowed water and power connections to the building, which is being used at sarai (guest house) and banquet hall for the past more than two decades.

RTI activist Lawan Thakur filed the application two months ago.

In a reply to the RTI application, the Mandi MC has clearly mentioned that neither permission was granted nor required maps were approved for the construction of the building and it was not included in the illegal construction list that the MC submitted in the state high court.

On the basis of the MC list, the state high court ordered to demolish as many as 57 constructions on the government land recently in June and July, out of which nearly 30 people were poor safai karamcharis (sweepers) and they had no land in their name in the state.

A number of social activists and volunteer organisations had alleged that the MC had sheltered a number of illegal and unauthorised constructions of influenced people that includes shopping malls, posh residential colonies, hospitals and hotels in and around the town.

The RTI application has revealed the truth of Mandi MC's affidavit that the MC had submitted in the high court over declaring illegal constructions in the town in 2009.

The said five-storied illegal building is situated at the left bank of Beas river, where centuries-old 'ghats' (steps used for performing obeisance) along with historical Ekadas Rudra and Ram Lingam temples are situated.

The building has not only defaced, but also damaged the history of the town.

The MC had replied in its letter that the building was exempted from house tax, whereas the MC has never granted permission of construction.

The RTI applicant submitted it complaint to the Mandi deputy commissioner and informed the state high court about the undue favours of the Mandi MC towards the owner(s) of the building and demanded charging of house tax from the date when MC introduced house tax in the town area and demanded demolishing of the building like the MC razed small houses of poor recently.

The applicant also informed the pollution control board that the building owners were directly depositing waste water and toilet drainage into the Beas river and the act was a crime. The applicant also demanded to set up inquiry that how the irrigation-cum-public health (IPH) and electricity department issued water and power connections without approval of maps and requite permission of the construction of the building.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/himachalpradesh/mandi-mc-turned-blind-eye-towards-illegal-construction-rti/article1-1147193.aspx>

06 NOVEMBER 2013

8) Govt. sits on Wenlock's bid for college

Mangalore, November 6, 2013 Mohit M. Rao

KMC students use the hospital's facilities for practice

Despite being among the oldest hospitals in the State, and one that is integrally connected to the healthcare infrastructure and medical education in the district, the long-pending proposal to start a government medical college at Wenlock hospital seems to have hit a road block.

The proposal to start a college was taken up in earnest when hospital authorities sent a letter to Rajiv Gandhi University of Health Sciences (RGUHS) on July 16, 2011 claiming that the hospital has all the facilities needed to start a medical college. With Lady Goschen Hospital and Wenlock Hospital occupying 17.08 acres of land cumulatively, and 2.5 acres available for a staff quarters, the hospital has the facilities needed for an MBBS course with 150 class strength, and post-graduate courses for 75 students, the letter says.

An official at Wenlock Hospital, who had been witness to numerous meetings asking for a government college at the hospital, said while the BJP-led government had immediately rejected the letter, the recently-elected Congress-led government have been giving mixed signals about the proposal.

“We have discussions every now and then, but there is a sense that the proposal is being shot down as Kasturba Medical College won't be able to send students to Wenlock for practice, and its student intake will reduce considerably,” said the official.

The current agreement with KMC dates back to 1955, when the Madras Province allowed them to use the infrastructure of the hospital. “The agreement does not set a time frame for the use. There have been no renewals of this either. Though Wenlock benefits from their medical expertise, the equipment, drugs are paid for by us,” said the official. Currently, KMC pays Wenlock nearly Rs. 1.23 crore per annum as clinical fee, a charge that sees 729 students from the college – in undergraduate and post graduate courses – practice in the two hospitals.

P.S. Hanif Sahab, an advocate, who extracted information through RTI to press for a government college, believes that the continuing tie-up with the private hospital has ensured that a government medical college is not set up at the two hospitals. “Instead of using Wenlock for students of government hospitals, it is being used by KMC to increase their intake of students,” he said.

‘Mutually beneficial’

Dean of KMC, Mangalore, M. Venkataraya Prabhu, said KMC was running one of the largest colleges in the country, and their tie-up with Wenlock Hospital was a private-public partnership that benefited both hospitals. “The tie-up is based on the 1955 agreement, and is ad infinitum. So, far we have had no problem with Wenlock, or they with us. A decision to start a government medical hospital is entirely up to the government,” he said.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/govt-sits-on-wenlocks-bid-for-college/article5319527.ece>

9) Sports Ministry urged to bring BCCI under RTI ambit

New Delhi, November 6, 2013 PTI

ASSOCHAM, an apex industry body, has suggested the Ministry of Youth Affairs and Sports to bring the Board of Control for Cricket in India (BCCI) under the ambit of the Right to Information (RTI) Act.

“The BCCI is not a registered National Sports Federation as it does not take any grants from the government and thus it cannot be brought under the RTI Act, but if the National Draft on Sports Development Bill 2013 is finally passed by the Parliament, then BCCI may not be able to use the word ‘India’,” said the Associated Chambers of Commerce and Industry of India, in a communication addressed to Sports Minister Jitendra Singh.

As per the Draft National Sports Development Bill 2013, only those federations who come under the RTI ambit will have the right to use ‘India’ as the team name.

“The Bill should have its focus on three major aspects viz., encouraging privatisation through public-private partnership (PPP) mode, transforming India as a manufacturing base for sports’ equipment and ensuring job security and incentives to sportspersons,” said D.S. Rawat, secretary general of ASSOCHAM.

“Besides, there is also the need for a clear plan highlighting grassroots and international events, athlete development, sports medicine and science which is critical for growth of sports in India,” he added.

ASSOCHAM has also stressed that the bill should clearly define the role of Sports Authority of India (SAI) comprising its infrastructure related responsibilities and the roadmap to make those productive.

Though the bill proposes to bring in accountability on part of the National Sports Federations and the National Olympic Committee, ASSOCHAM said that central government has a significant role to play in execution of said statues in the bill.

Another significant aspect is that the bill does not specify prescribed norms for people eligible to be in the Election Commission.

“Such norms are extremely important to be specified prior to implementation of the bill as this clause might become extremely controversial while implementation and selection of the Election Commission.

“There is a need for collective efforts of multiple stakeholders in Indian sports sector for successful implementation of the bill by developing strong governance principles and guidelines leading to institutional processes and outcomes promoting integrity, democracy, efficiency and accountability in sports related activities,” said Rawat.

“Strategically set directions and policies together with an organised and targeted approach is required to attain the set objectives of development of sports sector,” he added.

Terming the exclusion of sports from the Companies Act 2013 as a ‘great setback for the sports industry’, ASSOCHAM, in its letter, has expressed concerns over deletion of sports as one of the CSR activities in the Act while it was mentioned in the Draft Bill.

“There is a need to encourage sports and sporting culture in India considering its power to unite people, communities and countries,” said Rawat. “A PPP model would be ideal to support players’ training and sharpen their skills for participating in national and global sporting events, thus sports should be included in the list of activities to be recognised as CSR.”

Source:

The Hindu, <http://www.thehindu.com/sport/cricket/sports-ministry-urged-to-bring-bcci-under-rti-ambit/article5321314.ece?homepage=true>

Also Available at:

<http://www.cricketcountry.com/cricket-articles/ASSOCHAM-wants-Sports-Ministry-to-bring-BCCI-under-Right-to-Information-Act/33251>

08 NOVEMBER 2013

10) More than half of Mumbai buildings are illegal

Friday, Nov 8, 2013, 9:18 IST | Place: Mumbai | Agency: DNA Sudhir Suryawanshi

Fifty two per cent buildings in the city are illegal as they do not have occupancy certificates (OCs).

A Right to Information (RTI) query by one Anil Galgali has brought to light that, in the last nine years, only 48 per cent buildings have obtained OCs from the Brihanmumbai Municipal Corporation (BMC).

If a building doesn't have an OC, it means the building is not fit for habitation and residents are staying on their own risk.

The civic body received 14,370 OC requests between 2003-04 and 2012-13, but 9,841 were given Intimation of Disapproval (IOD). Also, 13,313 were issued Commencement Certificate (CC) and 6,888 were granted OCs.

While the civic body received approximately 1,597 requests last year, only 766 received OCs. "It means only 48% buildings have OCs. It's shocking and a cause of concern," said Galgali.

The BMC does not have an update on how many buildings have OC and how many doesn't have.

In the last budget, chief minister Prithviraj Chavan said there are 5,000 buildings across the state without OCs.

"The reality is different. The BMC haven't compiled the data. They have data only for the past nine years," said Galgali.

Senior civic officials blamed the developers. "Many builders start giving possession of flats without OCs in place," one official said.

All a piece of paper

An OC is a document issued by the BMC to the builder to show that the construction complies with all the norms.

Since the fine is very less, builders get away easily. In 2011, even Sachin Tendulkar escaped by paying a small fine.

If there is no OC, residents will have to pay twice the water charges and higher property taxes.

Because of the developers fault flat owners end up paying additional taxes and fine.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-more-than-half-of-mumbai-buildings-are-illegal-1915442>

09 NOVEMBER 2013

11) Government Rajaji Rajaji Hospital tops in infant and maternal deaths

V Devanathan, TNN Nov 9, 2013, 02.59AM IST

MADURAI: The Government Rajaji Rajaji Hospital (GRH) here has recorded the highest number of infant and maternal deaths in the last few years. As many as 2,719 neonatal deaths, 3,734 infant deaths (those less than one year) and 282 maternal deaths were reported from the hospital between 2010 and 2013, data procured under the Right To Information Act (RTI) revealed.

Other state hospitals attached with medical colleges too have witnessed a rise in such deaths, the RTI data revealed.

Although state government has increased the funds for health services by and large, neonatal deaths, infant deaths and maternity deaths in the state have not come down, C Anandraj, the RTI applicant said. He procured the information from the Directorate of Medical Education. Anandraj is the founder of Equal Right Organisation working to improve the quality of medical services provided in government hospitals.

The period between 2010 and 2013 (up to July) point to the poor record of top government hospitals. "On an average, 2.5 lakh maternity cases are handled by hospitals attached with medical college institutions in the state. The numbers of neonatal deaths and infant deaths have been increasing every year in these hospitals. Total number of deaths of neonatal and infant in

the hospitals in 2011 was 12,985. The number increased to 14,172 in 2012. In 2013, the number stood at 7,744 up to July," he said.

GRH, which is number three in terms of number of cases handled, reported 78,230 maternal cases during the three-year period. Shortage of doctors, paramedical staff and medical equipment are some of the main reasons behind the increasing deaths in hospitals associated with medical colleges, Anandraj pointed out. However, district health officials and the GRH authorities have other reasons for the cause. Talking about the high death rate, a professor from the Institute of Obstetrics and Gynaecology at GRH, said, "Most of the medical college hospitals in the districts surrounding Madurai send complicated pregnancy cases to GRH, since better facility and expertise are available here. Most cases reach here only in a severe complicated stage," she said on condition of anonymity.

Anshul Mishra, former Madurai district collector, had reviewed the situation and conducted several meeting with health officials. N Mohan, dean of Madurai Medical College and GRH, had appealed to all private, government, taluk and primary health centres to send cases earlier to save the lives.

District health officials said they are also concerned about the increasing death cases. Recently, J Radhakrishnan, state health secretary, instructed the health officials to compile all data related to maternal cases in the district. A meeting to discuss the issues would be conducted soon.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-09/madurai/43854348_1_infant-deaths-maternal-deaths-health-officials

Also Available At:

http://newindianexpress.com/states/tamil_nadu/Dubious-distinction-as-GRH-tops-in-neo-natal-deaths/2013/11/09/article1880405.ece

12) Stolen industrial explosives used in terror strikes

Sandeep Pai , Hindustan Times New Delhi, November 09, 2013

The crude bombs used during Narendra Modi's Patna rally and bombs recovered recently by the Jharkhand police could be pilfered industrial explosives. Such explosives have been stolen in huge quantities in Jharkhand and Bihar, but there has been no recovery.

Earlier this week, police seized nine live pipe bombs, 19 detonators and 25 gelatin sticks from a lodge in Hindpiri, Ranchi.

"The explosives recovered can't be legally procured. There is every possibility that the Indian Mujahideen (IM) pilfered these industrial explosives," said Jharkhand additional director general of police SN Pradhan.

The Jharkhand police have found many similarities in the bombs used in Patna and those seized in Ranchi. "IM is using high-intensity gelatin-based pipe bombs and flame-based elbow bombs, which are relatively weaker," Pradhan said. A series of low-intensity bombs had killed six persons in and around Gandhi Maidan before Modi's 'Hunkar rally' on October 27. Documents obtained by HT under the RTI act from the Petroleum Explosives Safety Organisation (PESO) reveal that since 2010, about 2 lakh detonators, 3,500 kg power gel and 110 kg ammonium nitrate (used to make gelatin) have been pilfered from Jharkhand and Bihar alone.

Shockingly, there has been no recovery. The lack of regulations has ensured that anti-social elements have an easy access to these explosives. PESO, the monitoring agency for explosives, has only 200 officers to watch 250,000 explosives makers across India.

"There is a lot of mining activity for coal, bauxite and iron ore in Jharkhand, where detonators are used for blasting. These explosives are easily pilfered," Pradhan said. Jharkhand's main worry is that the Indian Mujahideen has created a powerful module, as the investigation into the Patna blasts shows. "Jharkhand provides easy access to explosives and detonators, which the IM uses to deadly effect," according to a security expert. On whether the state has issued any advisory to the home ministry, Pradhan said: "Once the investigation is over, we will explore all possibilities."

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/stolen-industrial-explosives-used-in-terror-strikes/article1-1148995.aspx>

10 NOVEMBER 2013

13) Let bureaucrats be, come clean on graft charges against politicians: HJC

Vishal Joshi, Hindustan Times Karnal, November 10, 2013

Haryana Janhit Congress (HJC) president Kuldeep Bishnoi has said that before introducing a law on fixing accountability among bureaucrats, chief minister (CM) Bhupinder Singh Hooda should first issue a white paper on corruption charges levelled against Congress leaders in the state. Reacting to announcements made by Hooda at a Congress rally organised at Gohana, Sonapat district, on Sunday, Bishnoi described the announcement as an attempt of the Congress to divert attention from “the core issues of misgovernance and corruption in the state government” during Congress' nine-year rule in the state.

At the rally in Gohana, Hooda had announced a legislation for making corrupt bureaucrats answerable. However, Bishnoi termed the rally as a waste of taxpayers' money. He added that several Congress ministers and leaders were indulging in corruption by helping in hasty clearance of certificates for change of land use (CLUs).

Bishnoi, the parliamentarian from Hisar segment and the HJC-Bharatiyana Janata Party's chief ministerial candidate, questioned the timing of Hooda's announcement: “The CM should clarify why he did he do nothing for nine years. Had the Hooda government been serious on corruption, it would have given more powers to the state lokayukta.”

He termed Hooda's announcement of filling thousands of jobs, raising salaries and honorariums, as shallow. “The poor fiscal position of the state would not allow the implementation of such announcements,” he said.

“Several media reports made on the basis of the Right to Information (RTI) have revealed that most announcements made by Hooda since 2005 have failed to materialise. People understand it well that it is the elections to be held next year that made the Hooda government suddenly feel the backlog in the job quota of Scheduled Castes, Backwards Classes and ex-servicemen,” he said.

Source:

The Hindustan Times, <http://www.hindustantimes.com/India-news/Haryana/Let-bureaucrats-be-come-clean-on-graft-charges-against-politicians-HJC/Article1-1149508.aspx>

14) Expert report moots major changes in Aranmula airport plan

Viju B, TNN Nov 10, 2013, 07.24AM IST

THIRUVANANTHAPURAM: Two government documents procured by TOI under Right to Information Act shows that there could be more turbulence ahead for the proposed Rs 2,000 crore Aranmula greenfield airport, the first private international airport in the country. One document highlights topographical obstacles that may force the original airport plan to be drastically revised, while the other raises renewed doubts about the very need for a fifth international airport when Kerala's air passenger requirements have already been adequately met. In a memorandum to the civil aviation ministry dated 9 July 2012, that refers to decisions taken in the steering committee meeting held on the 27th of the previous month, the customs department of the Union ministry of finance observes that, "There appears to be no urgent requirement to construct a green field Airport in Aranmula at this juncture as the requirements of the international passengers in the state are catered by the existing airports." In the eventuality of the airport being commissioned, the letter strongly recommends that "it should be restricted to clear international passengers only subject to augmentation of existing Customs staff strength and accepting the payment of cost recovery charges there as per norms."

In the other document, a three-member expert committee appointed by Airport Authority of India (AAI) has raised concerns about the height of the kodimaram (temple mast) of the ancient Aranmula Parthasarathy temple situated 905 metres away from the runway as it would pose a problem for safe landing and take-off of aircraft. The committee is also worried about the height of four hills in the vicinity of the airport and has recommended that their height be reduced.

"The temple mast is 30.8 metres high, but the permissible elevation is just 23.7 metres. The threshold needs to be displaced by 285 metres. The mast also needs to be lighted," the AAI committee, which visited the airport site in July last year, observed.

Similarly, the four hills in the airport's vicinity have a height of 98 metres, 74 metres, 70 metres and 99.3 metres. "Their permissible limits for these hills are 31.7 metre , 46.4 metres, 53.2 metres and 56.8 metres respectively and they need to be removed," the report said. These hills are situated around 1.2 to 2.4 kilometres from the runway. "The rubber plantations and other trees existing on the hills need to be cut and pruned along with cutting of the hills," the report

said. The committee has directed the airport operator to take appropriate clearance from the Ministry of Environment and Forest (MoEF) for doing this.

The 500 acre greenfield at Aranmula, which nestles in a picturesque valley surrounded by thickly forested hills with the historic Pampa river flowing just 100 metres away, has got in-principle approval from the ministry of civil aviation. It is promoted by the KGS Group with the state government having 10% sweat equity.

"The runway will now be re-designed at a distance of 500 metres to get the right elevation. We also need to clear some rubber trees in the plantations atop the hills. The AAI makes such recommendations so that we can rectify these minor errors," said P T Nandakumar, CEO of KGS Group.

Also raising concerns of water-logging in the airport, the committee noted that the proposed land is at a lower level than Aranmula town and hence "the airport operator is required to plan a comprehensive drainage scheme for site to avoid water logging." Apart from this, the committee has sought relocation of two mobile towers in the vicinity.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-10/india/43885402_1_airport-plan-airport-authority-runway

11 NOVEMBER 2013

15) Residents oppose filling up of Kottooly

Kozhikode, November 11, 2013 Staff Reporter

Authorities have flouted laws to get permission to fill wetland, they allege

The Hindu Fading sight: A part of the Kottooly wetland in Kozhikode that is proposed to be filled for the construction of sewerage treatment plant by KSUDP.— Photo: S. Ramesh Kurup

A collective of 18 residents' associations around the Sarovaram Biopark area has decided to move court against the flouting of norms by the authorities who are trying to fill the Kottooly wetlands.

Kottooly is one of the five notified wetlands in the State.

A convention was held on Sunday at the spot where the Kerala Sustainable Urban Development Project (KSUDP) had started filling a stream for the purpose of constructing an approach road towards the proposed site for its Sewerage Treatment Plant (STP).

300 people

Around 300 people from the residents' associations participated in the convention to express solidarity with the strike.

Poet and environmental activist P.K. Gopi inaugurated the convention, which was attended by environmentalists Professor Shobheendran and M.A. Johnson, and ward councillor K. Sathyanathan.

The convention, on the basis of various documents procured through RTI and responses from officials concerned, came to the conclusion that various laws were flouted to gain permission to fill the wetland.

The 19-acre wetland was transferred from the Revenue Department to the Tourism Department to be part of the Sarovaram Biopark in 2005. The Tourism department had to get the consent for the transfer from Kozhikode Corporation, as Kottooly was a wetland and hence the Corporation was responsible for it.

But when permission was sought to fill the land, the authorities claimed that it was an unused paddy field.

This was proof enough that fabricated documents were used to obtain the approval.

The KSUDP had in 2012 appealed to the Vriksha Committee for permission to fill the stream.

The committee had reported that neither the wetland nor the stream should not be filled at any cost, as it was a haven of biodiversity.

The committee noted that there were at least seven species of mangroves along the stream alone.

The residents were apprehensive about what would happen if the wetland was filled.

Excess water

“The wetland stores excess water during monsoon and protects us from flooding. During summer, our wells never dry up thanks to the eco system. But if it is filled, there will be massive flooding in the nearby areas during monsoon and in summer, we will be in drought”, I.K. Biji, secretary of Eranhipalam- Palat Residents Association said.

The residents also decided to physically resist any moves by authorities to fill the wetland.

The alleged fabrication of documents would be challenged in the court.

Also there would be more attempts to create awareness on the issue through school environment clubs, Mr. Biju said.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/residents-oppose-filling-up-of-kottooly/article5337581.ece>

16) Filing RTIs and deciphering info, corporator exposes civic wrongdoings

In the last few years, Shiv Sena corporator with PCMC Seema Savale has filed a record 1,000 applications under the Right to Information Act, primarily with different civic departments. In the process, she has succeeded in exposing civic corruption.

Going a step further, Savale has documented some of the applications and their replies in Ankush, a book she has scripted in association with publisher Sarang Kamtekar.

"The book contains details about 25 major RTI applications filed, the information received, analysis made thereafter and the follow-up letters sent," said Kamtekar.

The 300-page book was released last week by Shiv Sena leader Subash Desai. Other top Sena leaders like Gajanan Kirtikar, Gajanan Babar and Neelam Gorhe were also present at the Chinchwad auditorium, which was packed to capacity. While Desai applauded the tenacity shown by Savale in consistently filing RTIs on different issues and exposing civic corruption, which helped in saving crores of public money, other Sena leaders said the book would help the common man use the RTI Act to a telling effect.

Savale had filed the applications with PCMC, PCNTDA, PMC, MPCB and SRA.

But, is the book an exercise in self-praise?

"No," says Savale, emphatically. The book, she says, details how officials try to cover up loopholes and hide facts. "And that exactly is the reason why after filing RTI applications and receiving replies, we had to write letters seeking further details," she adds.

Savale says she had to write as many as 1,500 follow-up letters. "It took us days to analyse each and every document received under the RTI. After receiving information, we were forced to follow up with authorities by writing at least 1,500 letters. This is because the authorities used to

provide us with either wrong or incomplete information. They make all effort to confuse the applicants in a bid to ensure that corruption and other illegalities don't get exposed," she claims.

"Filing an RTI application is not enough. You have to wrack your brains and get expert help to understand the information provided... Our painstaking effort ultimately led to exposing the wrongdoings in the civic corridors," says Savale, adding that every RTI applicant must go through the book as "it is a guide to lay official bungling bare".

In several cases, Savale, a two-time corporator, had to approach the Bombay High Court to make civic authorities fall in line. "When the authorities refused to take corrective steps, I was forced to approach the court, which struck down illegal actions and resolutions of civic officials," she says.

Source:

The Indian Express, <http://www.indianexpress.com/news/filing-rtis-and-deciphering-info-corporator-exposes-civic-wrongdoings/1193359/>

12 NOVEMBER 2013

17) RTE and RTI: Pillars of strong Democracy

By J S Rajput Published: 12th November 2013 03:20 PM

Last Updated: 12th November 2013 03:21 PM

Private universities and institutions are not covered under the RTI” is the response received from the PMO by the Vice-Chancellor of a State university. This exclusion is beyond the comprehension of all those who are concerned about the deterioration in quality of education. The Right to Information Act (RTI) and the Right to Education Act (RTE) could greatly strengthen the roots of democracy and bring about tangible reform in the process of governance. The RTE, if implemented sincerely and supplemented by good quality higher education, could prepare people to avail of the RTI and thus ensure transparency in public concerns and make them effective contributors to democracy. Unfortunately, the RTE has been reduced to just one of the numerous schemes that are launched and left to languish.

The way politicians and bureaucrats have become wary of the RTI and its potential to unearth all that is black in colour and action is by now known and established. Even those who claim credit for the passage of the RTI Act as a 'game-changer' and 'pathbreaking' legislation now squirm at several of its provisions. In fact, no political party can claim the credit for enacting the RTI. They did not do it of their own accord, but were forced to yield to public pressure created and maintained by an alert group of public-spirited activists.

Eventually, it all depends on how well the implementers internalise the spirit of a particular legislation and how sincerely they strive to ensure that expected outcomes are achieved.

Right from day one, the systems of governance have just considered the RTI as an unnecessary burden. Activists in the area have faced tremendous hardship and hindrances from most quarters. Most of them had to pay a heavy price; several of them were ruthlessly eliminated.

RTI queries have helped citizens unearth numerous scandals and scams. People now realise they are equipped to ask questions on issues that concern the community and country. Every citizen needs to be made aware of the possibility offered by the RTI to open a new chapter in the participatory functioning of the Indian democracy. Building that potential rests with the RTE.

Certain elements have persistently pressured the government to dilute some of the provisions of the RTI. Because of tremendous public resistance, these attempts have not succeeded so far. While the historic decision from the Chief Information Commissioner that all political parties shall be brought within the ambit of this Act was welcomed by people with great enthusiasm, politicians and political parties with an exception or two are unhappy and angry. It was on the cards that the UPA government, with support from most of its allies, was ready to reverse the decision. It, however, could not do so because of the 'nonsense' statement of Rahul Gandhi, which killed another bill and ordinance concerning disqualification of the convicted representatives of the people.

It is known that the origin of most defects that have crept into the process of elections can be traced to the lack of transparency and public accountability in political parties. It is equally well known that private universities are minting money at the cost of quality, leaving most of their graduates in the lurch without the preparedness in knowledge and skills to get a suitable place in the job market. If kept out of the purview of RTI, most of these would be further emboldened to play havoc with the quality of education. These, as also the political parties, must be reined in

and people must be empowered to ensure their transparent functioning. The government must not ignore public opinion in both these cases as otherwise it could vitiate the academic and political fabric irreparably.

If the RTE achieves its objectives and universities perform their role honestly, a strengthened RTI shall empower citizens to get their rights and perform their duties.

Source:

The New Indian Express, <http://newindianexpress.com/education/student/RTE-and-RTI-Pillars-of-strong-Democracy/2013/11/12/article1885442.ece>

14 NOVEMBER 2013

18) Created by telegram, IB finds itself standing on thin legal ground

Saikat Datta , Hindustan Times New Delhi, November 14, 2013

A telegram sent at the end of the nineteenth century by a British Raj official was all it took to set up what is now India's premier internal intelligence agency, Intelligence Bureau (IB).

This information accessed under the RTI Act shows the agency is standing on thin legal ground like Central Bureau of Investigation, which was declared invalid by a Gauhati High Court order that was later stayed by the Supreme Court. The Gauhati ruling had triggered a crisis because many under trials in high-profile cases took refuge under it and sought immunity from CBI proceedings.

In response to a Public Interest Litigation filed in the Supreme Court by major general VK Singh (retired), union ministry of home affairs has admitted that there was no executive order or an Act of Parliament that created the IB.

Instead, the information revealed, that a telegram from then British secretary of state helped create the agency.

“The IB was formally constituted after Her Majesty's secretary of state for India gave consent through a telegram dated December 31, 1887,” the MHA's reply stated.

The telegram came in response to a proposal from the then viceroy Lord Dufferin who wanted an agency to improve the “means of obtaining secret and political intelligence”.

Lord Dufferin chose a superintendent of police in charge of controlling criminal activities by “thugees and dacoits” to take over the nascent IB.

Questions about the legal foundations of India’s intelligence agencies have been raised on several occasions by many people including the minister of state for information and broadcasting Manish Tewari. As an MP he authored a research paper pointing out several legal infirmities in the creation of these agencies.

But the MHA’s misleading replies to Maj Gen Singh’s specific questions are intriguing. On a specific query about the IB’s accountability to Parliament, it states the “director IB is also subjected to parliamentary oversight in the sense that (he) has to appear before the Parliamentary consultative committee”.

While the consultative committee can summon anyone, Congress MP Mahabal Mishra, a permanent special invitee, told HT that he has never seen the director IB in the past three years.

“He may have come when I was not there, but in the last three years I have never seen him.”

The reply also states that after the Constitution was promulgated in 1950, the IB was placed in schedule VII, inferring that this legitimised the IB. But schedule VII clearly mentions that a “Central Intelligence Bureau” can be created by an “Act of Parliament.”

The fact is that the IB was never created by an Act of Parliament and independent India carried on with its colonial legacy.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/created-by-telegram-ib-finds-itself-standing-on-thin-legal-ground/article1-1150909.aspx>

Also Available at:

<http://www.rtiindia.org/forum/116945-rti-happenings-intelligence-bureau-not-formed-any-central-statute-created-order-dated-20-dec-1887-a.html>

<http://www.indiangovernmentwebsite.com/rti-happenings-intelligence-bureau-not-formed-by-any-central-statute/>

19) Activist files pleas to book Modi for ‘breach of trust’

Express News Service : Rajkot, Thu Nov 14 2013, 04:21 hrs

A MUMBAI-BASED Right to Information (RTI) activist has filed two applications with Kutch police, seeking to register cases of criminal breach of trust and cheating against Chief Minister Narendra Modi for allegedly not keeping promises the latter made during his Sadbhavana mission and Vivekananad Yuva Vikas Parishad programmes last year.

Ramesh Joshi, president of Kutch Ladayak Manch (KLM), a Mumbai-registered NGO, filed applications at Mandvi and A Division police stations in Bhuj city on Tuesday. In his application filed with the Mandvi police (a copy is available with The Indian Express), Joshi says that the CM had announced development projects worth Rs 1,265 crore for Kutch during his Sadbahavana mission fast held in Mandvi in February 2012. But in reply to Joshi's RTI applications, the state government said that there were no defined rules or guideline about making such announcements.

"The Chief Minister has breached the trust of the public by making announcement of giving Rs 1,265 crore for the development of the Kutch district as it has till date not received a single rupee out of that announced amount," the application reads.

The KLM president filed another application with A Division police station of Bhuj city with a similar plea. Joshi said that during a Vivekananad Yuva Vikas Parishad, a meeting of youth organised in Bhuj in September last year, Modi had announced that the state government would stand as guarantor for youths seeking loan to start businesses. "But in reply to our RTI application in July this year, the labour and employment department said that after thorough discussions, the state government had decided not to include the proposal for itself to act as guarantor for youths seeking bank loans in the budget for the year 2012-13," Joshi, who originally hails from Lathedi village in Abdasa taluka of Kutch, has said in the application.

"This proves that Modi has breached the trust of youth of the state and cheated them," Joshi, who owns a chain of provision stores in Mumbai, said in the application.

Source:

The Indian Express, <http://www.indianexpress.com/news/activist-files-pleas-to-book-modi-for--breach-of-trust-/1194795/0>

20) Punjab police deletes name of NRI from 'Non-Hardcore Terrorists' list

Ht Correspondent, Hindustan Times Chandigarh, November 14, 2013

The Punjab police informed the high court on Thursday that they had deleted the name of US settled Non-Resident Indian Shingara Singh, a native of village Jassomajra in Shaheed Bhagat Singh Nagar district, from the list of 'Non-Hardcore Terrorists'.

Shingara Singh had submitted that his name has been included in the list of 'Non-hard-core Terrorists' maintained at police station Behiram in district Shaheed Bhagat Singh Nagar.

He informed the court that as per the information received under the RTI Act, SHO, police station Behiram has informed that no criminal case is pending against him but his name figures in the list of 'Non-hard-core Terrorists'.

The petitioner had submitted that on account of similarity of his name with another Shingara Singh of Kapurthala district, who is a proclaimed offender, having a number of criminal cases pending against him, he is interrogated and harassed by Punjab police whenever he visits Punjab.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/punjab-police-deletes-name-of-nri-from-non-hardcore-terrorists-list/article1-1151246.aspx>

15 NOVEMBER 2013

21) Mumbai Campa Cola complex controversy a wake-up call for Gurgaon flat owners

Gurgaon, November 15, 2013 Ashok Kumar

The Campa Cola complex controversy has highlighted how the builders in nexus with the politicians and the bureaucrats violate building by-laws and the gullible flat owners are made to suffer for no fault of theirs. And the problem is just not confined to Mumbai, but is rampant.

In fact, there are several such apartments in Gurgaon as well which do not have the mandatory "Occupancy Certificate" (OC) and violate floor area ratio (FAR) norms and the flat owners are living under the constant threat of meeting the same fate as the Campa Cola complex residents.

The most glaring example is The Residency apartments in Ardee City in Gurgaon where more than 200 families are staying in six residential towers without the mandatory OC. "As per the

information accessed through RTI, the builder in the approval plan has shown an area of over 11 acres, but landlocked the apartment owners in an area of 3.5 acre and built a boundary wall around it leaving the remaining area outside complex. We have been pursuing the case, but to no avail,” said Navin Kaushik, one of the residents of The Residency and a residents’ welfare association member.

Similar is the story of over 120 families in BPTP Freedom Park Life in Sector 57. Of the nine towers in the residential complex, two do not have OC.

“The flat owners were given possession letters in 2009 and are staying there since, but without OC. When these people took possession of their flats they did not even know what OC means. Now they are running from pillar to post to get the OC, but all they get is hollow promises. They are too scared to move the court or approach media fearing that it might boomerang. No OC, therefore, no insurance. So these people have no protection against any damage to their flats,” said Monica Regan of Federation of Apartment Owners’ Association.

Also, certain towers in Uniworld Spa and Unitech Close North and South do not have the OC affecting several hundred families. “The Campa Cola controversy is a wake-up call for all those residing in group housing complexes. Every new flat owner must now ensure that his building has an OC before moving in and the existing flat owners should also find out whether their buildings have OC or not. Usually, a flat owner is content to get the registration of his flat done, but it is not enough. The OC evidences the completion of the building as per the approved plans and compliance of local laws is mandatory,” said Mr. Kaushik.

He added that the government was also to be blamed for the situation. “How come they allow conveyance deeds, charge property tax and allow electricity and water connections without the OC? The builders committing gross violations should be blacklisted and cases should be registered against them. In fact the court directed the competent authority for such an action in our case, but nothing has been done,” lamented Mr. Kaushik.

Yet not having the OC or FAR violation are not the only issues. There are all kinds of illegal things being done in Gurgaon like sale of super area, sale of parking, registration of super area, granting of OC to an incomplete complex. The case in point is DLF’s New Town Height residential complexes in Sector 86, 90 and 91. “The story of New Town Height is the opposite. The Department of Town and Country Planning (DTCP) seems to have given OC to a partially

constructed complex which the DLF is unable to deliver even after eight months of receipt of OC. The state of the apartments even today shows how the OC has been given to apartments which are nowhere near completion putting the health and lives of the residents at risk,” said Nitin Grover, president New Town Heights Home Town Owners’ Association.

“Every new flat owner must now ensure that his building has an OC before moving in”

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/mumbai-campa-cola-complex-controversy-a-wakeup-call-for-gurgaon-flat-owners/article5353246.ece>

22) Punjab told to look into stamp duty evasion

Ht Correspondent, Hindustan Times Chandigarh, November 15, 2013

Disposing of a petition seeking directions to the Punjab government for prosecuting guilty revenue officials for charging deficient stamp duty, the Punjab and Haryana high court has opined that it is the duty of the state government to recover such amount when stamp duty evasion, as per RTI information, was around Rs. 200 crore and the government was "fund-starved".

The division bench headed by chief justice Sanjay Kishan Kaul was hearing a public interest litigation filed by Tarsem Jindal of Barnala. The court directed the state government to peruse the contents of the public interest litigation and take appropriate action in the matter as per law.

However, the court declined to accept the petitioner's prayer for setting up of a committee of experts under a retired judge of the high court for suggesting ways and means for keeping a check on stamp duty evasion, which was causing a huge loss to the state exchequer.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/punjab-told-to-look-into-stamp-duty-evasion/article1-1151698.aspx>

16 NOVEMBER 2013

23) All's not well with civic health plans

Umesh Isalkar, TNN Nov 16, 2013, 03.16AM IST

PUNE: Information sought under the Right to Information Act (RTI) has revealed several lacunae in the Pune Municipal Corporation's urban health scheme for poor and the contributory health scheme (CHS) meant for its employees and corporators.

The minutes of the civic officials' meeting held on October 14, 2013, sought under the RTI, stated that there was no mechanism to verify the medical processes the beneficiary has undergone at the designated private hospital and to verify whether the beneficiary needed them. RTI activist Vijay Kumbhar sought a copy of the minutes under the RTI Act.

"There is no system in place to check whether a person seeking benefits of the PMC's scheme needs to undergo the tests and the surgical procedure for which he or she has submitted medical documents. The civic health officials scrutinise papers, but they do not have a doctors' panel to verify whether the person really needs to undergo the battery of tests and surgery advised by private hospitals. Besides, the municipal corporation has not computerised the functioning of the scheme even after so many years," the minutes' said.

Kumbhar said there were many loose ends intentionally left out in the execution of both the schemes so that financial allocation approved for providing the scheme's benefit to the urban poor, employees and corporators can be claimed by hospitals by showing medical processes on paper. "This has been going on for years now," he said.

The minutes state there is a committee in the PMC which should meet every three months to take stock of claims made and those settled under the CHS, but since 2005, the committee has not convened a meeting.

When contacted, S T Pardeshi, medical officer of health (MoH), PMC refuted the allegations saying that the department is particular about the scrutiny of the claims made by people seeking help under the scheme.

"Each and every claim is verified at different levels. The scheme is being executed in a very transparent manner. There is no scope for any misappropriation of funds. The allegations are baseless. There may be some gaps, but the committee conducted regular meetings," he added.

However, the civic health officials in the PMC hospitals admit there is 'political pressure' to give benefits to ineligible patients. "We find it difficult to refuse the claim that comes with the recommendation of elected representatives. We try to tell them, but very few understand," said an official, requesting anonymity.

Under the scheme meant for the urban poor, health benefits can be availed of by families living below the poverty line with an annual income of less than Rs 1 lakh. The scheme, applicable for slum dwellers in the city, was started on January 26, 2010. The civic body pays medical bills up to Rs 1 lakh.

Those applying must have a yellow ration card or an annual income certificate of less than Rs 1 lakh issued by a tehsildar or proof of residing in the slum (slum tax receipt or photo pass of residing in a slum).

The civic body needs the hospital's quotation about medical expenses. After receiving the quotation, the civic body gives the credit memo to the recognised hospital stating that the PMC will pay 50% bill or a maximum of Rs 1 lakh as per the Central Government Health Scheme rate. Under the CHS, PMC offers 90% medical expenses to designated private hospitals for treating its employee, but the remaining 10% expenses are borne by the employee. A corporator is entitled for 100% medical expenses under the scheme, meaning if a corporator is treated by a designated private hospital, then the hospital will get all charges incurred from the PMC.

As many as 44 private hospitals in the city have been designated to provide medical care to the urban poor under the scheme. The beneficiaries seek treatment for cancer, neurosurgery, cardiac surgery, joint replacement surgery, treatment for severe burns, advanced neonatology services, palliative, and other complex medical and surgical interventions.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-16/pune/44137184_1_contributory-health-scheme-health-benefits-pmc

24) Hanging on... as the world crumbles around them

Kozhikode, November 16, 2013 Jabir Mushthari

Eleven families are awaiting title deeds for their tiny bits of land surrounded by illegal quarries operating without hassle

After setting up a shelter in a piece of land that he kept for over 25 years, Koyilandithodi Moosa, an unskilled manual labourer, wished to get a title deed for the same. He kept knocking on the doors of the authorities, including Chief Minister Oommen Chandy, from time to time. But the document did not come his way.

His tiny home at Madaambi near Thottumukkam on the slopes of the Western Ghats is surrounded by numerous quarries in one-km radius. Everyday, he wakes up to thunderous blasts from the illegal quarries.

Mr. Moosa's family is, however, not alone in facing the adversities of having quarries nearby even as their wait for the title deed went on. There are 11 families in the neighbourhood waiting for title deeds for their land.

The tahsildar had his reason. He kept denying them the document on the grounds that the land with the resurvey number 172, Pannikkode desam, Kodyathur village, under Kozhikode taluk, where they lived, was involved in a legal battle between the State government and one Rangaseshadri Iyyer.

According to documents, Mr. Iyyer took on lease around 2,250 acres of land on the slopes of Western Ghats at Mysoremala several decades ago from the erstwhile Presidency for "gold mining." He, however, had to part with 732.6 acres in 1973 (TLB (K) 165/73) to the State Land Board from his total possession.

ENCROACHMENT

The State government has, from this, attached only 255 acres considering it as excess land so far. The rest is yet to be measured and attached to the government legally as per the documents. It is in this stretch of land, which falls in Kodyathur panchayat, that Mr. Moosa and 10 others live, surrounded by the quarries.

Almost all of them had given memorandum to the Chief Minister's Mass Contact programme in 2011, demanding title deeds for their land. However, they were denied by the tahsildar citing the court case that existed from 1994 (OS 479/94).

In the meanwhile, it was found that title deed was given for a three-acre land in the same area with the same resurvey number (172) — not far from Mr. Moosa’s house — to a quarry owner in 2009, substantiating document of which (collected via the RTI Act) is with the Prakriti Samrakshana Samithi here.

“This is not an isolated case,” says Manalil Mohanan, who, on behalf of the Kerala Sasthra Sahithya Parishad, recently led a ‘Haritha Yatra’ along the Western Ghats regions of the district.

“There are many quarries in the region, which functions on the encroached land without being questioned by any,” he said. “Most of these quarry owners have also managed to procure title deeds for the long stretch of encroached land while the same was denied to many poor people,” he added.

TAUNTS AND THREATS

According to K. Balakrishnan, executive member of the Prakriti Samrakshana Samithi, these hilly regions are ruled by the quarry mafia. “Many quarry owners, who continue with rampant illegal mining activities, have also possessed fake documents for their land, bribing the officials,” said Mr. Balakrishnan, who had been attacked several times, once even critically, for questioning the illegal activities.

“It is the same force behind those who vehemently oppose the implementation of the Gadgil or the Kasturirangan report in the name of farmers,” G. Ajithkumar, another active member of the Samithi said. Mr. Moosa has not given up hope. “If the authorities can give title deeds for hectares of encroached land to illegal miners and quarry owners, why cannot they give us the document for our small bits of land where we have been living for more than 25 years?” he asks.

Mr. Moosa has already drafted a fresh memorandum to be submitted to the Chief Minister when he visits the city on Saturday for his mass-contact programme. “I will keep on trying till I die, for I have nowhere else to go,” he said.

Source:

The Hindu, <http://www.thehindu.com/news/cities/kozhikode/hanging-on-as-the-world-crumbles-around-them/article5357955.ece>

17 NOVEMBER 2013

25) Delhi: banks turned blind eye, buyers suffered

Jeevan Prakash Sharma, Hindustan Times New Delhi, November 17, 2013

When 42-year-old MNC professional Ravi Dhankar's mother was told that her son had gone bankrupt after making a dud real estate investment in a Greater Noida residential housing project, Shiv Kala Charms, she suffered a brain haemorrhage.

The haemorrhage was followed by a paralytic attack that left half of her body immobile and rendered her bed-ridden. All Dhankar is now left with are steep medical bills, bounced EMI cheques and a financier chasing after him for repayments.

Dhankar is not alone. More than 400 people have been cheated of amounts ranging from Rs. 25 lakh to Rs. 35 lakh after they fell prey to the promise of Shiv Kala Charms. Like Dhankar, many found that "their" apartment had been sold to multiple buyers and that big commercial lenders had granted overlapping mortgages on them.

Prominent among these lenders are Banks such as Axis, Oriental Bank of Commerce, Syndicate Bank and housing finance companies such as HDFC, LIC Housing Finance Limited (LICHFL), Dewan Housing Finance Corporation Limited (DHFL), Punjab National Bank Housing Finance and Indiabulls.

Unearthing of a scam

On August 31, 2011, HDFC Bank came out with a list of 78 apartments in Shiv Kala Charms, stating that these were legally mortgaged to the bank. This opened a can of worms. Buyers who had either taken loans from other banks or organised finances on their own were shocked to find their apartment numbers listed by banks with which they had no dealings.

Officials at other financial institutions that had approved loans for the same flats also sat up and took notice. Soon after, DHFL, LICHFL and Axis Bank came out with their own lists, revealing multiple duplicate sales and loans.

Among those who took notice of this list was Avneesh Kaushik, who filed a case against the developer in the economic offences wing (EOW) of Delhi Police. Kaushik bought apartment number 2093 on the ninth floor of tower 2 in the project in January 2008 with a home loan from Syndicate Bank. Unknown to him, the developer had sold the apartment to another buyer who was granted finance by LICHFL.

Documents filed in the multiple legal processes surrounding the housing society show clearly that this was not an isolated error. “Flat number 2294 has been allotted to two buyers - Nathu Ram Saini and Rajesh Behl, both of whom have been given home loans by Axis Bank. Clearly, the fraud being committed by the builder was within the knowledge and with active collusion of the banks,” wrote seven homebuyers in a complaint to the director general of police, Uttar Pradesh, in June this year.

“It is now clear that four banks have together financed 170 of Shiv Kala Charms buyers. Many other banks have financed five to 10 buyers and in many cases people have made payments from their own sources. The developer, at a meeting with some buyers, himself confessed of selling 154 flats to 420 to 430 people,” alleged Vijay Sahai, who bought an apartment in the project by taking a personal loan of `18 lakh.

Another home buyer who filed a case with the Delhi State Consumer Disputes Redressal Commission said, “Banks didn’t approach the office of registrar of firms, societies and chits in Lucknow to find out the names of the genuine flat allottees. Why should we trust such banks? Don’t we take loans because we have faith in the bank’s diligence measures?”

Following complaints by the buyers, inquiries were initiated by the Reserve Bank of India (RBI) and the district magistrate of Gautam Budh Nagar. The RBI asked the National Housing Bank (NHB), to look into the suspect transactions while the Gautam Budh Nagar DM appointed the Chief Development Officer to investigate the case.

Both have produced reports that indict the builders and question the financiers’ role.

Whom do you blame?

Shiv Kala Charms is a part of a cooperative society, Golf Course Sahkari Awas Samiti Ltd, which was formed in 2004. The society leased 9731.79 square metres of land from the Greater Noida Development Authority (GNIDA).

Avnish Kaushik’s FIR names builders Mahim Mittal, Ranjeeta Mittal, Asit Mittal, Navita Mittal and Sandeep Gupta as the accused. HT could not reach them for comments despite many attempts.

Officials investigating the scam, however, stress that it could not have assumed such proportions without serious failures on the part of the banks and finance companies. The National Housing Bank report prepared by V Rajan, deputy general manager of the department of regulation and

supervision in the NHB, states: “It appears that one of the reasons (behind the scam) may be due to the lack of proper due diligence by the concerned housing finance companies (HFCs) while approving the captioned project/sanctioning the loan to individual borrowers.”

Rajan’s report revealed that LICHFL had financed 49 “non-existing flats” in the Shiv Kala Charms project, of which HDFC financed 17. It identified 15 cases where more than one mortgage had been granted over a single flat by LICHFL. The report detailed numerous other similar instances, including cases like flat number 2003 that was sold to three buyers and financed by Indiabulls, HDFC and LICHFL.

Rajan instructed the financiers:”You are hereby requested to look into the matter and also furnish us following information at the earliest (i) The attributable reason for multiple financing in each case, (ii) Action taken by HFCs against the concerned officials (iii) Action taken to tone up the process in your HFCs to avoid recurrence of such frauds in the future (iv) Detailed report on the present stage of investigation of the case by outside agency and (v) The efforts made to mitigate the hardship faced by the borrowers/purchasers.”

When HT contacted all these financial institutions, they declined to comment citing ongoing legal processes.

The March 2012 report of the CDO of Gautam Buddh Nagar, Noida was just as damning. It stated that a fraud of this magnitude was not possible without the connivance of bank officials and the office-bearers of the society.

Apartment numbers 2234, 2294, 2281, 2531 and 2553 in Shiv Kala Charms were “imaginary” and did not exist, the report alleged. “Possibly, SU Zafar (secretary of Shiv Kala Charms) and Mahim Mittal, on the basis of fake documents, sold one flat to many purchasers with loan approvals from multiple banks. It’s important to note that this kind of fraud is not possible without the connivance of the bank officials. It’s quite clear from this evidence that SU Zafar and Mahim Mittal colluded with bank officials for loan approval, which is a serious issue,” the report added.

HT compared the public notices issued by the banks, which bear the official reports. For example, non-existent apartments such as flat number 2531 had been financed by HDFC and LICHFL and flat number 2234 had been financed by Axis Bank as well as LICHFL. Several

other “imaginary” apartments listed by the CDO appear on the lists published by more than one bank.

But the banks not only granted multiple loans to different buyers over the same properties, there are serious questions over other aspects of their diligence.

The fact that the developer had not been paying installments for the lease on the land regularly and had been sent repeated notices by GNIDA appears not to have come to their notice. GNIDA cancelled the lease for the land in 2011 for non-payment, according to an RTI response to one of the buyers. What is more, the CDO report alleged that the society’s bank account has not been audited since 2006.

AWARENESS IS YOUR ONLY ALLY

BEFORE SIGNING THE AGREEMENT/ BOOKING A FLAT

- Ask for a copy of the sale deed of the land and sanctioned plans
- Other NOCs such as fire
- Check if the sanctioned plan mentions promises (amenities) made in the brochure as the brochure is subject to changes
- Get a clear idea about the number of towers and number of floors at the time of booking a flat

AFTER YOU GET A HOME LOAN APPROVED

- Always be in touch with your bank and find out how much money has been released at what stage of construction
- Under the building bylaws, the buyers have the right to get the building or the project assessed or inspected by an independent surveyor.

DURING THE STAGE OF POSSESSION

- In case the project has been delayed, the clause for compensation clearly lays down that penalty, the rate at which it needs to be paid to the buyer if possession is not given on time.

IN THE FINAL STAGE

- The possession letter should confirm that completion certificate and occupancy certificate have been awarded to the building, the specific date of registration and the stamp duty
- The buyer should insist that the occupancy certificate and completion certificate be made part of the sale deed
- These days there is a new document called declaration of the builder that makes it mandatory for the builder to attach it with the sale deed. It has all details of what the builder has built, the common areas, the facilities that he has provided, etc.

THINGS TO KEEP IN MIND WHEN BUYING A FLAT

- A buyer should ensure that the housing project has the completion certificate from the development authority.
- In case of a re-sale property, check the original property documents and bills such as property tax and water and electricity bills. Also get the sale/purchase agreement drafted by a lawyer.
- For a new project in Noida and Greater Noida or in such areas where land is given on lease to a developer, prospective home buyers should check with the development authority concerned whether it has leased any land to the developer in question.

Text by Vandana Ramnani and Jeevan Prakash Sharma

<http://www.hindustantimes.com/india-news/newdelhi/delhi-banks-turned-blind-eye-buyers-suffered/article1-1152565.aspx>

18 NOVEMBER 2013

26) Activists decry lack of action against quacks

Hyderabad: A recent RTI reply from the district medical and health wing has exposed the inept functioning of the department in terms of taking action against fake doctors in the city.

While the department in its RTI reply stated that only two cases against fake doctors were filed in the last decade, observers pointed out that there have been large number of complaints against several quacks and dubious medical practitioners in the city. In 2010, one doctor was arrested by the police after he was found to have been completed only intermediate level education. Intriguingly, investigations revealed that he had worked in several leading corporate hospitals, including a popular cancer hospital in the city.

Analysts point out that fake doctors are thriving in Hyderabad, putting peoples health at risk. I have been working on this issue for some time now. I personally visited several shady clinics and asked them to furnish their MBBS certificates. Many of them refused to do it, said K N Saikumar, who filed the RTI two weeks ago. I had even complained to authorities concerned but in vain. It is therefore no wonder that clinics with fake doctors are having a free rein, he added.

However, officials in the health department blamed staff crunch for the current scenario. The Hyderabad District Medical and Health wing is understaffed with just 20 employees for the city. Our team, including DMHO, additional DMHO and a lawyer, has been conducting decoy operations whenever possible. It is a big city. We are trying our best, said A Narendrudu, district and medical health officer, Hyderabad.

Source:

RTIINDIA, <http://www.rtiindia.org/forum/116859-rti-activism-ap-activists-decry-lack-action-against-quacks.html>

27) Bharat Ratna opens to all achievers, thanks to Sachin

Chetan Chauhan, Hindustan Times New Delhi, November 18, 2013

To honour cricket legend Sachin Tendulkar with the Bharat Ratna, the government had to open India's highest civilian honour for "exceptional service" to all fields from four, a reply under the Right To Information (RTI) Act has revealed.

Earlier, the honour was restricted to art, literature, science and public service.

A home ministry official's note from 2011 makes it clear the inclusion of sports "was to honour Sachin Tendulkar".

In the note, the official also raises questions about ignoring other sports legends such as Major Dhyan Chand (hockey), Jaspal Rana (shooting), Viswanathan Anand (chess) and PT Usha (athletics).

Ajay Maken, the then sports minister, had written to the home ministry for inclusion of sports as a field for the Bharat Ratna award.

The home ministry did not agree with its official's view and fought shy of taking a decision because as no amendment was ever made in the rules for Bharat Ratna since its inception in 1954.

A decision was taken to refer the matter to the Prime Minister's Office (PMO).

The PMO too was willing to take a call and asked the home ministry to send its view on including sports as one of the fields for the award.

The deliberations started again in the ministry, which in a bid to avoid controversy over Tendulkar, recommended the award should be open to all fields.

The PMO agreed and said, "The decoration shall be awarded in recognition of exceptional service/performance of the highest order in any field of human endeavour."

The President's Secretariat notified the change in 2011, paving the way for the honour to be bestowed upon Tendulkar.

The same year, the government had received references for conferring the honour on several achievers including former prime minister Atal Bihari Vajpayee, former president APJ Abdul Kalam, Major Dhyan Chand and agriculture scientist MS Swaminathan.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/bharat-ratna-opens-to-all-achievers-thanks-to-sachin/article1-1152813.aspx>

Also Available At:

<http://www.thehindu.com/todays-paper/home-ministry-opposed-maken-on-award-to-tendulkar/article5366098.ece>

19 NOVEMBER 2013

28) 40 per cent of prison inmates guilty of no crime

Kochi, November 19, 2013 K.A. Shaji

How many innocent people are lodged in prisons across the State? About 40 per cent of the inmates are not guilty of any crime, says a reply from the office of the Director General of Prisons and Correctional Services to a query asked under provisions of the Right to Information (RTI) Act.

The Director General, Alexander Jacob, said at a public function in Kannur on September 13 that 20 per cent of the inmates were innocent.

The State Public Information Officer of Prisons and Correctional Services, Joy Sebastina Pushpam, however, said the actual figure was 40 per cent.

“The DGP is a man of few words and he kept restraint in revealing the whole picture. He limited the percentage at 20 to keep restraint. The actual figure is 40 per cent,” the reply issued by him says.

Parties’ ‘volunteers’

Many innocent people have landed behind bars because circumstantial evidence turned against them, it says. Another significant section of innocent prisoners are volunteers recruited by political parties and other organisations to undergo jail term on behalf of the culprits.

D.B. Binu of the Kochi-based Human Rights Defence Forum used the RTI Act to get clarity on the statement made by Mr. Jacob when addressing a meeting organised in Kannur by a cultural organisation, Alaap, to distribute prizes to winners in a literary competition for inmates.

“Twenty per cent of the jail inmates have committed no crime. Lack of proper legal aid, along with strong circumstantial evidence, has landed them behind bars. There are many who opt for a

jail term on the dictates of political parties which want the real culprits to go scot-free,” Mr. Jacob said at the meeting.

The RTI reply says the number of prison inmates in Kerala was 4,663 till September.

Conviction rate

“The conviction rate in Kerala is 65 per cent. We have information that 1,632 among the 4,663 prisoners are innocent. Among the under-trial prisoners, 98 are mentally challenged persons. Their trial would be started only when their doctors certify that they are fit for trial. Families of mentally challenged accused often refuse to get them on bail. These mentally challenged people can be considered innocent,” the reply says.

“There are 60 people in different jails under provisions of preventive arrest. As per law, they can’t be called criminals. So they too are innocent. There are eight children in different jails and two of them are living with their convicted mothers. Six are with under-trial mothers. They also come under the category of innocent in Kerala jails.”

Asked about the steps taken by the Director General of Prisons to get the innocent prisoners freed of charges, the information officer said the Kerala Prison Rules did not allow him to sort out innocent people and to release them.

“Freeing them is the prerogative of the courts. Lawyers and social workers can play a vital role in it,” the reply says.

Many have landed behind bars because of circumstantial evidence

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/40-per-cent-of-prison-inmates-guilty-of-no-crime/article5366189.ece>

Also available at:

<http://www.thehindu.com/news/national/kerala/40-of-kerala-prisoners-not-guilty-dgp/article5366926.ece>

29) NCRPB grapples with objections to revision of Regional Plan 2021

New Delhi/ Chandigarh, November 19, 2013 Chander Suta Dogra

There is an overwhelming sense of dismay among environmentalists and urban planners

As the National Capital Region Planning Board (NCRPB) reaches the final stage of an ambitious mid course revision of its Regional Plan - 2021 (RP-21), in force since 2005, it is grappling with more than 400 objections from the general public, State and Central government departments, vigorously opposing among other things the dilution of many environmental safeguards built into the previous plan.

There is an overwhelming sense of dismay among environmentalists and urban planners that instead of strengthening the existing structures for better development of the NCR, the revision is being used to open up so far protected environmentally sensitive areas to urbanisation and regularising the existing violations of the current plan.

The process to revise the RP -21 for NCR began last year, following which the NCRPB, headed by the minister for Urban Development and chief ministers of Haryana, Delhi, Uttar Pradesh and Rajasthan, approved a revised draft plan in July. The revised plan was put up for public comment in August, and two planning committee meetings have been held since then to “evolve a consensus” on the objections. The RP -21 is meant to provide sustainable development in the three NCR states of Haryana, Rajasthan and Uttar Pradesh and the capital Delhi and prevent haphazard development in the region.

Details are now coming out from documents procured through RTI by activists, that show how Haryana in particular, through its Town and Country Planning department introduced several “dilutions” in key environmental safeguards – holding up its projects in Gurgaon and Faridabad) at a meeting of the NCR planning committee in June.

The most important of these is removal of 0.5% restriction on construction in the Natural Conservation Zone (NCZ), which in effect meant only half an acre can be built in a 100 acre piece of land. In the approved draft plan this restriction has been completely removed and there is no limit on construction in the Aravallis.

The NCZ includes the Aravalli hills, major rivers, land around lakes, water bodies and sanctuaries. These eco-sensitive areas are critical in maintaining ground water recharge capacity,

reducing air pollutants and for the long term regional environment security of the NCR that will eventually impact its carrying capacity.

But Haryana has envisaged a mega tourism and entertainment zone in some areas that fall in the Natural Conservation Zone (NCZ), and realtors have already bought up huge land chunks here.

Says Prof AK Maitra, former director of the School of Planning and Architecture, who headed the study group on environment “ I think this is a sure way to destroy the Aravallis which is not only a pristine natural resource and natural barrier between arid Rajasthan and Delhi but an important ground water recharge zone. We were never consulted on these relaxations because our study group was abandoned midway after NCRPB stopped our meetings.”

Further, land suitability analysis (essential for balancing utilisation of land for development and conservation) which was mandatory for all master plans in the NCR, is now proposed to be restricted only to “new towns”. “ The implications of these relaxations in the draft RP-2021 are, that distorted planning that envisages construction in low lying or riverine areas and hilly Aravalli forests in the existing towns as well as new extensions of these towns (seen as deviations by the NCRPB) will be regularised,” says Lt Col SS Oberoi of Mission Gurgaon Development.

Alarm bells are also ringing at how the 10% target for forest cover has been replaced with ‘green areas’ which opens up the option of using golf courses, roadside greens belts to meet the target for increasing forest cover. Activists fear that dropping ‘forest’ and calling it ‘green areas’ instead will take these areas out of the provisions of the Forest Conservation Act and a step closer to change of land use for colonization. Against the national average of 21.05%, forest cover in the NCR Delhi is 11.9% while Haryana has only 3.5%.

The revised draft RP has also done away with the requirement to get the master plans of urban townships approved from the NCRPB. It has instead been replaced by the line “The respective state governments will carry out development as per Plans.”

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/ncrpb-grapples-with-objections-to-revision-of-regional-plan-2021/article5366143.ece>

20 NOVEMBER 2013

30) Padma award for Arun Firodia was recommended by Vijay Kelkar: RTI reply

New Delhi, November 20, 2013 Mohammad Ali

Activist demands award withdrawal as Arun Firodia was declared “bank defaulter”

Arun Firodia, founder and chairman of the Kinetic Group of companies

Arun Firodia, founder and chairman of the Kinetic Group of companies, was awarded the Padma Shri in the trade and industry category in January 2012, on the recommendations by former Finance Commission chairman Vijay Kelkar, who is himself a Padma Vibhushan awardee. This was revealed in a reply to queries by Subhash Chandra Agrawal under the Right to Information (RTI) Act.

The RTI activist received a reply from the Union Home Ministry on November 14 in this regard . “Several news reports besides the website of Credit Information Bureau (India) Ltd (CIBIL) have mentioned Mr. Firodia and his daughter, Sulajja Firodia Motwani, as being wilful bank defaulters,” alleged Mr. Agrawal demanding that the Padma Shri conferred on Mr. Firodia be immediately withdrawn.

Expressing shock, Mr. Agrawal said various intelligence agencies including those attached to the Finance Ministry had cleared Mr. Firodia's name for the prestigious award apparently without proper verification.

Mr. Agrawal has also referred to a report available on the CIBIL website, according to which, as on March 31, 2012, Mr. Firodia's name was shown as associated with Kinetic Finance, Athena Financial Services, along with his daughter Sulajja Firodia Motwani.

He alleged that according to CIBIL data, as on Match 31, 2012, Athena Financial Services had an outstanding of Rs.54.60 crore, while Kinetic Finance owed Rs.2.76 crore to debtors, mostly banks.

“An enquiry should be made to ascertain how intelligence agencies and the Finance Ministry officials concerned cleared his name. Exemplary action should be taken against the irresponsible officers to prevent any recurrence,” demanded Mr. Agrawal.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/padma-award-for-arun-firodia-was-recommended-by-vijay-kelkar-rti-reply/article5370020.ece>

21 NOVEMBER 2013

31) Land scam: hotelier seeks two more years to allot sites

Mandya, November 21, 2013 Staff Correspondent

Amaravathi Chandrashekar is facing charges of duping teachers, police personnel

Chandrashekar alias Amaravathi Chandrashekar has sought two more years to develop and issue residential sites to teachers and police personnel.

Speaking to presspersons here on Tuesday, he said that he had collected Rs. 12 crore from the Mandya District Police Housing Cooperative Society and Rs. 7.2 crore from the Mandya District High School Teachers Housing Cooperative Society about a few years back.

Sites

It may be recalled here that Mr. Chandrashekar has been facing charges of duping people by collecting a huge sum and promising to allot residential sites, but failing to do so.

“An RTI activist has filed a complaint against me. I refute the allegations of cheating levelled against me. I will develop and issue sites to both the societies. But, I need a minimum of 24 to 25 months more,” he said.

He also claimed that he had sufficient land to develop the sites. City-based RTI activist K.R. Ravindra, who has unearthed several scams in Mandya, demanded a thorough investigation into the issue.

Following his complaint, Inspector-General of Police (Grievances and Human Rights) K. Alok Kumar sought a report from Mandya Superintendent of Police Borase Bhushan Gulabrao.

Allegations

As per the agreement, the firm had to “purchase land, develop it and allot residential sites” to around 700 police personnel and 350 teachers.

However, even after several years, the developers have not issued sites.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/land-scam-hotelier-seeks-two-more-years-to-allot-sites/article5374155.ece>

32) Librarian, PE director posts vacant for 20 years

By Rajagopalan Venkataraman – Chennai Published: 21st November 2013 09:35 AM

The posts of librarians and physical education (PE) directors seem to be the most overlooked when it comes to recruitments in Government Arts and Science Colleges in the State. For, of the 62 such colleges in Tamil Nadu, 44 do not have a librarian while all 62 do not have a PE director.

According to documents obtained through RTI, the figures stand out even starker when the 12 new government arts and science colleges that were started this year, are taken into consideration. These budding colleges have neither librarians nor PE directors, taking the figures to 56 and 74 respectively. These posts have remained vacant for close to two decades. While the posts of PE directors have remained vacant since 1994-95, that of librarians have been left unfilled since 1996-97, the reply stated.

With the colleges staring at a paucity of librarians, professors are being saddled with the additional charge of looking after the libraries. Dr R Murthy, associate professor at Presidency College, Chennai, said: “When (the duty) is entrusted to a professor, there is a tendency to treat it as a clerical job. Further, he would not be able to properly concentrate on his duties. It is the college that ultimately becomes the loser.”

The State capital is no exception to the phenomenon. These posts have not been filled in three of Chennai’s colleges. While the post of librarian remains vacant at the Lady Willingdon Institute of Advanced Study in Education, the PE director post is headless at the Dr Ambedkar Govt Arts College, Vyasarpadi, Queen Mary’s College and Lady Willingdon Institute of Advanced Study in Education.

The RTI reply also reveals that efforts were made to fill up the posts of librarians and PE directors through direct recruitment via the Tamil Nadu Public Service Commission, in 2009 and 2006 respectively.

Source:

The New Indian Express, <http://newindianexpress.com/cities/chennai/Librarian-PE-director-posts-vacant-for-20-years/2013/11/21/article1902712.ece>

22 NOVEMBER 2013

33) Criminals on parole jumping spree in Haryana

Ajay Sura, TNN Nov 22, 2013, 06.45PM IST

CHANDIGARH: In what can be seen as serious security concerns in the state of Haryana, a large number of criminals, facing life sentence, which mostly include murderers are jumping parole and significant number of such absconders could not be arrested by the state police.

The revelations have come to the fore in the information received through Right to Information (RTI) Act by advocate H C Arora from various Jails in Haryana.

Information received from district Jail Bhiwani has indicated that out of 29 cases of prisoners, who did not surrender within the stipulated period, after availing facility of parole, are those who are sentenced to life imprisonment.

As regards, district Jail, Karnal, 35 prisoners, who had jumped parole, have still not been re-arrested. Right to information (RTI) information received from district Jail Gurgaon has revealed that 65 prisoners have jumped parole, out of which 15 have yet not been re-arrested, Those who are yet roaming about freely include 11 murderers, and two convicted under NDPS Act.

As per the information received from district jail, Kurukshetra revealed that 19 prisoners have jumped parole so far. Those who jumped parole include 12 murder-convicts, facing life imprisonment, one facing 10 years' imprisonment under NDPS Act, and one undergoing 10 years' imprisonment for offence of rape. While all other parole-jumpers have been re-arrested, one rape-convict has yet not been re-arrested.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-22/chandigarh/44363939_1_parole-life-imprisonment-district-jail

Also Available at:

<http://www.tribuneindia.com/2013/20131122/main7.htm>

34) BMC website with approved building plans would've blunted old order

TNN | Nov 22, 2013, 01.11 AM IST

MUMBAI: The BMC is going ahead with its plan to put all building permissions on its website, a move that would have rendered meaningless the State Information Commission's earlier order restricting access to the plans.

"We have started compiling the data so that the plans (on paper) can be scanned and uploaded on the web for potential buyers to see," said a civic official. With the information readily available on the website, there won't be any need for an RTI application.

However, it will take a while because the data that the BMC has to compile is massive. Earlier this year, the BMC had said it would put details of all approved building plans on its website to ensure buyers are not palmed off illegal flats. The decision was taken as it became clear that almost a hundred illegal flats have to be demolished in the Campa Cola compound.

"Most of the RTIs filed in the BMC today are to do with illegal construction or building plans of a building. Once the data is made readily available, this RTI load will reduce," said another civic official.

The BMC is working with a technical advisory committee, including RTI activists, to make the functioning of the civic body more transparent. This panel is guiding the BMC on the data that should be uploaded.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/mumbai/BMC-website-with-approved-building-plans-wouldve-blunted-old-order/articleshow/26169242.cms>

Also Available At:

<http://www.dnaindia.com/mumbai/report-rti-chief-order-on-building-information-misinterpreted-1922973>

<http://www.asianage.com/mumbai/cic-order-non-disclosure-bad-law-activist-938>

<http://freepressjournal.in/info-panel-chief-denies-building-plans-under-rti-act/>

<http://news.oneindia.in/feature/maha-hc-excuses-buildings-from-rti-queries-nests-neta-builder-nexus-1345091.html#infinite-scroll-1>

35) Austerity drive? UPA spends Rs 21 lakh on annual party

By NIDHI SHARMA, ET Bureau | 22 Nov, 2013, 06.49AM IST

NEW DELHI: When it's time to party, the UPA government does not believe in cutting corners. Information accessed by ET under Right to Information Act has revealed that the Congress-led UPA government celebrated its fourth anniversary in style, spending a lavish Rs6,871 per head in hosting 300 guests at the prime minister's residence in May this year.

Like every year since 2010, Prime Minister Manmohan Singh had thrown a dinner party on May 22 at his 7 Race Course Road residence.

Information provided by the Prime Minister's Office (PMO) to this correspondent under RTI Act shows that Singh had invited 522 guests for the annual event.

These included Lok Sabha and Rajya Sabha UPA MPs, members of Congress Working Committee, political leaders and mediapersons. However, 300 guests attended the lavish dinner.

At a time when the government and its finance minister were talking about austerity measures and how the global economic slowdown had affected India's growth story, the party cost the exchequer Rs20,61,359. This included tentage charges of Rs11,15,819, catering charges of Rs6,30,874, electricity charges of Rs3,03,770 and flower arrangement charges of Rs10,896. The per head cost for hosting the event, at which the PM and UPA chairperson Sonia Gandhi released the annual report card, worked to around Rs6,871.20.

The menu was a generous spread which included fresh juices, chaat and elaborate dishes like murg handi lazeez, kasturi murg tikka, rohani gosht, macchli Amritsari, gosht pudina biryani and five kinds of dessert. The information was provided by Government Hospitality Organisation at Prime Minister's residence.

What is interesting is that even eight months after hosting the event, the government has said that tentage and catering bills are still "under process", which would mean that the bills are still pending with the government.

In comparison, a premium South Delhi luxury hotel told ET it would charge Rs4,725 per head, inclusive of taxes and flower arrangement, for an event of this magnitude. Sushil Wadhwa of Platinum World, an event management company which plans opulent weddings, worked out the cost for a similar 300-guest event anywhere between Rs5,000 per head to Rs8,000 per head, depending on the meal served with alcohol requirement.

Source:

The Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/austerity-drive-upa-spends-rs-21-lakh-on-annual-party/articleshow/26176714.cms>

Also Available At:

<http://news.oneindia.in/india/upa-spends-21l-annual-party-1345749.html>

36) NCP faces challenge from new ‘Rashtrawadi Congress Party’

By Divyesh Singh & Yogesh Naik, Mumbai Mirror | Nov 22, 2013, 03.53 AM IST

An NGO has applied to register itself at state election commission under the same name NCP uses in rural areas.

Nationalist Congress Party (NCP) might have to do away with the name it uses in rural Maharashtra. Reason, a Navi Mumbai-based NGO has applied to register itself by the same name.

NCP uses the name Rashtrawadi Congress Party in rural areas, but now Conscious Citizens Forum has applied to the state election commission to register in the same name. The group had applied to the Election Commission of India under Right to Information (RTI) Act to ask whether NCP had Rashtrawadi Congress Party as its second name. On September 27, the commission said that no such permission was given. The commission's Central Information Officer Pramod Kumar Sharma also stated that the name Rashtrawadi Congress Party has not been registered with the commission.

The NGO also informed the Commission that many candidates have used the name in the past, regarding which the latter replied that they had no knowledge about this.

The group then applied to the state election commission to register its party in that name. If the application is approved, NCP will not be able to use their second name.

Advocate Vinod Gangwal, who holds the position of general secretary in the upcoming party, said, "We are going to contest the forthcoming elections throughout the state on all seats and we don't want someone else to use the name that we want for our party. We will try to get it registered at the Election Commission of India as well."

Meanwhile, State Election Commissioner Neel Satyanarayan said, "I have received the group's application. But there are some loopholes, and I have asked the group to complete the application again."

Asked if NCP could also use the name, she said, "NCP cannot use any other name. The NCP leaders had come to meet me. They will soon take a call on what to do."

A disgruntled NCP leader, Praful Patel, said, "Let them apply. They will not get it."

NCP spokesperson Nawab Malik said, "Our name is Nationalist Congress Party, which translates to Rashtrawadi Congress Party in Hindi and Marathi. Just like Indian National Congress is called Bharatiya Rashtriya Congress. Someone wants to misuse our name. We will plead before the commission that the application must not be considered, as it will create confusion. Many other names are available. This NGO's intentions are malafide."

We are going to contest the forthcoming elections throughout the state on all seats and we don't want someone else to use the name that we want for our party. We will try to get it registered at the Election Commission of India as well

Advocate Vinod Gangwal, General Secretary of the upcoming party

Our name is Nationalist Congress Party, which translates to Rashtrawadi Congress Party in Hindi and Marathi. We will plead before the commission that the application must not be considered. It will create confusion. NGO's intentions are malafide."

Nawab Malik, Spokesperson, Nationalist Congress Party

<http://www.mumbaimirror.com/mumbai/others/NCP-faces-challenge-from-new-Rashtrawadi-Congress-Party/articleshow/26172334.cms>

24 NOVEMBER 2013

37) PM's election papers to be provided to RTI applicant

GUWAHATI, November 24, 2013

Seeking Prime Minister Manmohan Singh's Rajya Sabha election nomination papers and attached affidavits, an RTI has been filed in the Assembly Secretariat in Assam, from where he has been elected to the Upper House.

Assembly Secretariat Principal Secretary Gauranga Prasad Das said on Friday that an RTI application was received from S.S. Ranaut of Rajasthan about five days ago seeking the papers.

The copies of the nomination papers and affidavits submitted by the Prime Minister for the Rajya Sabha seat from Assam on May 15 would be provided to the RTI applicant within the stipulated one-month period, said Mr. Das. — PTI

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/pms-election-papers-to-be-provided-to-rti-applicant/article5385581.ece>

38) Over 100 RTI applications and counting! Meet the real heroes of social change

Sunday, Nov 24, 2013, 7:26 IST | Agency: DNA Ashutosh Shukla

For these veterans of the Right to Information Act, nothing beats the feeling of ensuring transparency in govt procedures, seeing corrupt officials fined and acquiring the power of information.

It was never a numbers game for them. These Right to Information (RTI) veterans have filed hundreds of applications but the drive to take up public causes and fight for issues that matter continues unabated.

Former information commissioner and RTI activist Shailesh Gandhi's efforts first saw a ray of hope over four months ago. Gandhi had sought information on the list undertrial prisoners, who, as per law, could have a chance of bail if they had already served half their prison term.

“Although that issue is still going on, it gave me immense satisfaction that an order was passed wherein authorities had to provide a list of such prisoners,” said Gandhi who has filed nearly 800 RTI applications till date.

His first application was when the centre’s RTI Act was not even introduced. It was in 2003 when the state’s act was around and his application concerned recommendations for police postings.

The information he received made headlines which led to him filing successive applications. “After the initial application, there were several others that were filed to follow it up,” he explained.

Aside from the kick of bringing out the truth, another reason activists file successive applications is the ‘authenticity’ it offers them. “The fact that you get authentic papers helps you argue your case better,” says Samir Zaveri, a 41-year-old share trader who has filed over 100 applications. “Had it not been for the papers, it would have been difficult to argue my case in court,” adds Zaveri. To his immense satisfaction, a medical room at Dadar station was one of the results of his RTI efforts. Like Gandhi, Zaveri believes that information is addictive and he continues filing more applications as one detail leads to the other.

Aftab Siddiqui, an activist and teacher, echoes Zaveri’s sentiments. Siddiqui has taken up neighbourhood issues like illegal constructions and hawkers and has filed more than 100 RTIs. “I first dug out corruption in a building proposal and complained about the officers. To ensure action was taken, applications were filed to know what is happening at the vigilance level,” said Siddiqui.

Activists Bhaskar Prabhu and Sharad Yadav believe in systemic change. “Applications lead to a balance of power when pressures of politics and vested interests tilt the responsibilities of the government,” said Prabhu. After filing over 250 applications and conducting social audits on the basis of RTI responses, Prabhu thinks that convincing the BMC to proactively disclose their information has been one of his high points. For Sharad Yadav, it was the issue of missing state files being brought up in the state assembly. Yadav claims to have filed 2,849 applications concerning civic and police issues.

Despite the many victories, the process is not without its pitfalls. Dealing with stubborn government officials is an exercise in patience, something that Chetan Kothari is facing with the

BMC's health ward. "Instead of providing the information that is compiled at the central level, they send it to each ward," says Kothari.

Problems aside, resulting change is what the activists foresee. "In the building proposal case, a department official in the BMC was the first officer to be fined Rs25,000 because of my application. This led to people giving me not just information, but also instilled a fear," states Siddiqui.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-over-100-rti-applications-and-counting-meet-the-real-heroes-of-social-change-1923913>

25 NOVEMBER 2013

39) HC tells Amritsar MC to take action against over 100 illegal hotels

HT Correspondent, Hindustan Times Chandigarh, November 25, 2013

The Punjab and Haryana high court has directed the Amritsar municipal corporation to take action against more than 100 illegal hotels and serais in the walled city of Amritsar as per law after granting them an opportunity of hearing.

The division bench, comprising chief justice Sanjay Kishan Kaul and justice Augustine George Masih, has directed the corporation to submit the action taken report before February 3 and has also ordered that if any of the officials are found delaying action or not performing their functions in the case, they should be penalised for violation of court directions.

The directions came during the hearing of a public interest litigation filed by Sarabjit Singh. The court was informed that the petitioner had got information under the RTI Act from the municipal town planner in which it was informed that there were 105 hotels, serais and guesthouses in the walled city area of Amritsar and all of them did not confirm to the building bylaws for hotel purposes. The petitioner had submitted that the hotels and guesthouses abutting the Galiara of the Golden Temple were creating pollution and nuisance.

During the hearing of the case, municipal commissioner DPS Kharbanda and senior town planner Hemant Batra were present in the court. The court was informed that assistant town

planners Bankey Bihari, Ramesh Chhabra and Suresh Raj had been chargesheeted under the Punjab Civil Services Rules, 1970, for major penalty for dereliction of duty in checking of illegal hotels in the area.

They informed the court that notices had been issued to all the hotels except the cases where there was an order of stay passed by the competent court. The court was also informed that 11 hotel buildings were partly demolished on November 19 during a demolition drive with the help of police. It was also submitted that four illegal buildings were being run by the Shiromani Gurdwara Parbandhak Committee and they had requested for grant of some time to make alternative arrangements.

Also, the officers informed the court that the corporation had a sanctioned strength of 20 building inspectors against which only four were functioning as of now.

The petitioner had also mentioned about a news item that had appeared in Hindustan Times on August 22 mentioning that there were more than 400 illegal hotels in the walled city of Amritsar.

Source:

The Hindu, <http://www.hindustantimes.com/punjab/chandigarh/hc-tells-amritsar-mc-to-take-action-against-over-100-illegal-hotels/article1-1155670.aspx>

40) Youths draw pension while old left out

By Amarnath Parida – Jagatsinghpur Published: 25th November 2013 11:51 AM

Large scale irregularities in the Madhu Babu Pension Yojana have surfaced in the rural and urban areas of Jagatsinghpur district. While many youngsters are availing the benefit through fake papers, the deserving ones are a deprived lot.

As per the information received through Right to Information (RTI), hundreds of persons in the age group of 35 to 45 have changed their ages in the electoral roll to avail pension benefits. There are many who have also been drawing pension in the name of beneficiaries who have died. This has deprived the eligible pensioners, particularly in Jagatsinghpur Municipality, of getting pension for the last four years.

Following the revelation, Sub-Collector Brajbandhu Bhol has directed Jagatsinghpur Municipality authority to stop old age pension of 37 persons in Deobhog village of Ward-13

under Jagatsinghpur Municipality as they had allegedly manipulated their ages in the voter list. As per the RTI document, 37 persons have been changing their ages in voter list on many occasions within last four years and enrolling as persons aged between 60 and 65 years to avail pension under the Madhu Babu Pension Yojana. Former zilla parishad member Binod Bihari Nayak who had sought the RTI clarification and villagers have alleged that errant officials have disbursed old age pension to fake beneficiaries due to pressure from political leaders.

The fake beneficiaries have been drawing monthly allowance of ` 300 each by forging voter list in connivance with the concerned department, they alleged.

While one of the beneficiaries Manoj Kumar Das hailing from Deobhog village is 39 years, his age has been mentioned as 62. Another woman Sunamani Bisoi's age has been changed from 35 to 65. In one of the cases, the age of mother and son are equal. There are nearly 50 such cases in this village and over 500 in this Municipality alone.

Executive Officer, Jagatsinghpur Municipality Saroj Kumar Sarangi said, "After getting the directive from Sub-Collector, we have stopped the old age pension of these fake beneficiaries."

Besides this, a large number of irregularities on payment of old age pension had been detected in Biridi block where more than 100 youths were collecting old age

pension by forging documents. One Nayana Barik, who was supposed to get pension but has not been given, alleged that she was denied the pension as she failed to grease the palms of the authorities concerned. "I am living in a pathetic state after the death of my husband three years back. Officials demanded `500 to sanction the old-age pension. I couldn't give them the money so they did not help me," said another woman.

Source:

The New Indian Express, <http://newindianexpress.com/states/odisha/Youths-draw-pension-while-old-left-out/2013/11/25/article1909875.ece>

Also Available at:

<http://www.rtiindia.org/forum/116844-rti-happenings-odisha-youths-draw-pension-while-old-left-out.html>

41) Cases pile up as dist police authority sits on complaints

M K Sunil Kumar, TNN Nov 25, 2013, 03.32AM IST

KOCHI: This year the district police complaints authority (DPCA) didn't conduct a single sitting. The result: the piling up of cases with almost 288 complaints pending before the authority. Some are even pending for the past five years.

Most of the cases pertain to complaints against police officials who have failed to discharge their duties or harassed commoners in the district.

As per the reply to an RTI application, the authority has not conducted any sitting since January 2013. In 2013, 91 complaints were filed before the authority and they are still pending.

Sources say there have been a few sittings since DPCA was set up. But since January 2013, when the chairman of the authority superannuated, the situation worsened. After several rounds of communication between the state government and the officials in the district, a judge was posted to head the authority in July 2013.

"We had brought the issue to the notice of the government. But the government is yet to take any action. It was after much effort that the government filled the post of chairman," an official with district police complaints authority said.

It is learnt that the chairman of the authority in the district has the charge of six other districts also. Moreover, the government is yet to provide vehicle to the chairman (authority) to travel to these districts, sources said.

"It was in 2007 that I lodged a complaint before the authority. Police falsely implicated me in a criminal case. All the problems started with the arrest of one of my acquaintances. Police had fabricated Section 153 (A) of the IPC alleging that he tried to instigate communal violence," said M B Sebastian hailing from Karuvelippady in Fort Kochi.

"I along with the father of the arrested reached at Mattanchery police station to know why he was arrested. Then the police asked me to put my signature on arrest memo. Later the officials inquiring the case asked me to furnish the address and details of some other persons whom they wanted to implicate in the case, but I refused. After 37 days police falsely implicated me in the case. I challenged the act of police before the authority. As per the interim verdict of the authority which came earlier, I should furnish details of the verdict by a civil court which exonerated me in the case. If the authority is unable to conduct sittings, how will I get justice," he said.

Officials with the district police complaints authority are still unable to say anything about resuming sittings of the authority. "We cannot say when we can resume the sitting. We will be able to resume it only if the chairman is available," an official said.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/kochi/Cases-pile-up-as-dist-police-authority-sits-on-plaints/articleshow/26333440.cms>

Also Available at:

<http://www.rtiindia.org/forum/116820-rti-happenings-kerala-cases-pile-up-dist-police-authority-sits-plaints.html>

42) TDB ignores Devaswom Commissioner's report

Pathanamthitta, November 25, 2013 Radhakrishnan Kuttoor

Sabarimala Tantri's plea on taking his son's aid in performing tantric rites

The Travancore Devaswom Board (TDB) while turning down a plea by senior Sabarimala Tantri (chief priest) Kandararu Maheswararu, seeking permission to take the assistance of his son in performing tantric rites at the Sabarimala Ayyappa temple, apparently sidelined a report submitted by the Devaswom Commissioner on the issue.

In a letter to the TDB on June 6, the 82-year-old Tantri said he badly required the assistance of his son, Kandararu Mohanararu, for performing the tantric rites at Sabarimala owing to his deteriorating health.

The TDB duly sought a report from Devaswom Commissioner P. Venugopal on the Tantri's plea. In a detailed report to the board in October, the Commissioner says, "The TDB had turned down similar requests of the Tantri in 2007 and 2011 without affirming any specific infirmity on the part of the proxy (Mohanararu), but on general lines, reminding the controversy that spins around him in pursuance of an incident in which the Tantri was trapped and consequent inquiries, media coverage, etc."

Through RTI Act

The commissioner's report made available through the Right to Information Act said the senior Tantri had again approached the board with the plea to appoint his son as his proxy, with the Kerala High Court convicting all the accused in the case filed by Mohanararu

“By tradition and dictates of the Sastras, the position and role of the Tantri requires special respect and his advice and directions shall inform all the decisions the TDB takes in connection with the Sabarimala temple,” the commissioner says.

“The present Tantri of Sabarimala is aged, his health deteriorating, and the onerous daily routines and duties of a Tantri require better health, both physical, mental, and intellectual. Heredity makes his son the senior-most when the present chief priest dies. This will make everything much complicated, if we fail to take an appropriate decision, immediately,” the commissioner says.

The report concludes with a suggestion that “the Board may call the Tantri, give him an audience and express its reservation or doubts, if any (especially owing to the remarks made by the Justice Paripoornan Commission), to him and request him to take a decision on the issue, as per the Sastra enjoined on such observations and in consultation with the Othickans (Vedic Guru).”

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/tdb-ignores-devaswom-commissioners-report/article5388434.ece>

26 NOVEMBER 2013

43) Teachers' eligibility test to be held again in 2014

Kolkata, November 26, 2013

Only 1.07 per cent of the State's candidates qualified

There will be re-examination before March 2014 to fill thousands of vacant posts of teachers in primary schools of West Bengal, Education Minister Bratya Basu said here on Monday.

In response to a question from a member of the Communist Party of India (Marxist) on the poor performance of candidates in the recently-concluded Teachers' Eligibility Test (TET), the

Minister told the Assembly that about 18,000 candidates have been selected for 35,000 vacant posts.

“The counselling for the candidates selected will start now. A number of vacant posts will be filled up soon... We hope that we will be able to fill the remaining posts by March next year,” he said.

Of the 17, 51,000 candidates who appeared for TET held on March 31, only 18, 793 candidates have qualified.

Referring to the low pass percentage, Mr. Basu said that while 1.07 per cent of the candidates qualified in TET in the State, only 0.7 per cent of them were successful in a similar examination conducted at the national level by the National Council of Teacher Education (NCTE).

“We held a meeting with the NCTE authorities last week... they have said that the way examinations have been conducted in West Bengal can be an example (for other parts of the country),” Mr. Basu said.

Members of the Left Front raised allegations of incorrect evaluation of the answer scripts. The Minister said examinees against whom such allegations had been made may view their answer scripts by using the Right to Information (RTI) Act.

Speaking to journalists within the premises of the Assembly, Congress leader and senior MLA Manas Ranjan Bhunia sought clarification from the education department on the poor results of the TET examination.

“While it was reported in certain sections of the media that 45 lakh candidates appeared in TET, the State Education department is saying now that the number of candidates is 17.51 lakh,” Mr. Bhunia pointed out.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/teachers-eligibility-test-to-be-held-again-in-2014/article5392297.ece>

Also Available At:

<http://www.rtiindia.org/forum/116853-rti-activism-west-bengal-teachers-eligibility-test-held-again-2014-a.html>

44) Fight for right provides a lease of life

Ashwani Kumar N K R Mangalore: Nov 26, 2013 DHNS

It was a right ensured to Gopal Kadumutt, when he obtained the licence for opening small milk dairy from Mangalore City Corporation under the Employment Skill Development Scheme of Dr B R Ambedkar Abhivridhhi Nigama. However, to accomplish his right to earn the daily bread under the government scheme was not an easy task.

Though the milk dairy which he runs near Town Hall, Mangalore seems ordinary, what is noteworthy is that it is the only shop that was opened using the scheme in the MCC limits. Gopal's work finds a special place as the shop has a story behind it which tells about his fight for his right.

Speaking to Deccan Herald, he said that realising his dream to run a shop, was not an easy job as he imagined. When he went to the Mangalore City Corporation to apply for the licence towards a shop after obtaining the financial assistance from Ambedkar Abhivridhhi Nigama in the year 2011-12, he had a hope of getting permission without any administrative hassles. However, he was made to run from pillar to post. Being a member of District Legal service authority, Gopal Kadumutt questioned the MCC under the Right to information act as to why he had not been given a licence, though Ambedkar Abhivridhhi Nigama had sanctioned the fund under Employment Skill Development Scheme.

Gopal was thunderstruck when he got an answer from the authorities concerned saying that no reservation norms had been followed till then, while sanctioning licences for shops and only 'general norms' were considered.

The information obtained through the RTI and the discrepancy powers of the then Commissioner helped him in availing the licence and at last, Gopal became the proud owner of a milk dairy. Sharing his experience with Deccan Herald, Kadumutt felt that reservation norms should be made applicable while sanctioning licence to small entrepreneurs belonging to SC/ST like him, so that they can effectively utilise government schemes meant for them.

Now, Gopal employs two people, Nagesh and Prasad in his milk dairy to help him out in running the small business. "I have not been given the agency of DKMUL, despite applying a number of times and for the time being, I am having an agency of a private milk union, the demand of which has dropped, shrinking the business. There is an average daily turnover of Rs

1,500 in the shop, through the sale of items like cold drinks and eatables, other than milk. The government loan provided by Ambedkar Nigama has been waived, but the bank has not waived the loan, he added.

Source:

The Deccan Herald, <http://www.deccanherald.com/content/371033/fight-right-provides-lease-life.html>

45) Rs 1,000 crore set aside for women's safety untapped

Ananya Bhardwaj , Prawesh Lama : Tue Nov 26 2013, 00:55 hrs

Almost a year into the December 16 gangrape, the 1,000-crore corpus the government announced and named after the victim to make cities safer for women and empower them, has not been utilised.

The fund was also meant to be used by police forces in the states to help them make cities safer for women.

The Delhi Police is yet to get any benefit from it. According to the Ministry of Finance, departments and ministries are 'identifying relevant schemes that can be funded.'

In a reply to an RTI query, Undersecretary of the Demand Section, Department of Economic Affairs, stated that "the detailed procedure for operationalisation of fund is being worked out."

"No scheme has been approved till now and nothing has been utilised so far," reads the reply.

Another RTI reply shows Delhi Police is yet to send any proposal to seek funds from this corpus.

"The ministry has requested Delhi Police to submit a detailed project containing specific proposal along with financial implication for implementation... which is awaited and as such no fund is yet sanctioned to the Delhi Police," reads the reply signed by the Undersecretary of MHA.

Delhi Police Commissioner Bhim Sain Bassi said he would check to find why proposals had not been sent.

Senior Delhi police officials claimed a proposal was sent seeking Rs 80 crore a few months ago, but the ministry sought a detailed proposal mentioning a list of projects for which the fund will

be used. "The ministry asked us to conceptualise each project and give them a budget-wise break up," a police official said.

Source:

The Indian Express, <http://www.indianexpress.com/news/Rs-1-000-crore-set-aside-for-women--s-safety-untapped/1199525/>

46) Entertainment Tax Deptt mops up Rs 3.5 crore after set top boxes made mandatory by Govt

Published On: Tue Nov 26th 2013

The staggering figure is within six months of the financial year.

The Entertainment Tax Department has mopped up over Rs 3.5 crore from cable operators in the past six months after the digitalization was made mandatory by the Central Government. The recovery of the whopping amount was accounted for the set top boxes installed by the cable operators.

The above information was sought by an RTI activist. The Central Government move for compulsory installation of set top boxes under digitalization system was aimed at curbing non-payment of Entertainment Tax by cable operators in a big proportion. The mandatory installation of set top boxes has cleared the figure of cable connections to a great extent. Previously, the cable operators clandestinely suppressed the exact figure of cable connections thus robbing the Government of Entertainment Tax in a big way.

The RTI activist Abhay Kolarkar, resident of Padole Layout, sought the overall information from the Entertainment Tax Department about the current status on installation of set top boxes in the city. According to the reply, till now 4,34,980 set top boxes have been distributed or installed by the customers. Previously, the figure quoted by cable operators was much less thus clearly showing non-payment of Entertainment Tax in accordance with the number of cable connections. The RTI reply further informed that the number of cable operators in Nagpur stood at 606 who are functioning under four main cable operators.

The Entertainment Tax Department has so far recovered Rs 3.5 crore from cable operators which could climb to Rs 6-7 crore by the end of financial year. The Department has collected Rs 5.71

crore in 2012, Rs 4.09 crore in 2011 and Rs 3.90 crore as Entertainment Tax from the unorganized sector of cable operating. But after digitalization, the figure has already crossed Rs 3.5 crore within six months of the financial year.

Source:

The Nagpur Today, <http://www.nagpurtoday.in/entertainment-tax-deptt-mops-up-rs-3-5-crore-after-set-top-boxes-made-mandatory-by-govt/>

Also Available At:

<http://www.rtiindia.org/forum/116858-rti-activism-maharashtra-entertainment-tax-deptt-mops-up-rs-3-5-crore-after-set-top-boxes-made-mandatory-govt.html>

47) 34 sugar mills facing Rs. 3,383 cr. accumulated loss

BELGAUM, November 26, 2013

More than half of the sugar mills in the State have accumulated loss of Rs. 3,383.86 crore as on March 31, 2012, according to information obtained under the Right to Information Act.

Of the 60 sugar mills in the cooperative, public and private sectors in the State (three mills are not functioning), 34 are facing the accumulated loss due to various reasons.

The break-up shows that MPM Sugars, a public sector undertaking, has accumulated loss of Rs. 270.89 crore, 11 cooperative factories have accumulated loss of Rs. 2,280.78 crore, nine sugar mills in the cooperative sector working on lease Rs. 415.39 crore, and 13 private mills have accumulated loss of Rs. 416.77 crore.

Bhimappa Gundappa Gadad, an RTI activist and social worker from Belgaum district who obtained the information from the office of the Commissioner for Cane Development and Sugar Control recently, alleged that the factories had concocted figures to show losses to avoid giving better price to sugarcane growers and deny better wages to employees.

He said that the government should not believe these figures but order a probe by a competent authority to bring out the truth behind the economics of sugar mills.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/34-sugar-mills-facing-rs-3383-cr-accumulated-loss/article5392129.ece>

48) Safety mechanisms in place in Kalpakkam, says Madras HC

Special Correspondent Chennai, November 26, 2013

Rejects petition for restraining authorities from running MAPS

The Madras High Court on Monday dismissed a writ petition seeking to restrain the authorities from running the Madras Atomic Power Station (MAPS units I and II) at Kalpakkam in Kancheepuram district, without first implementing the Nuclear Power Corporation of India (NPCIL)'s task force report and the AERB committee report of 2011 and obtaining environmental clearance for the power station.

The petitioner M. Vetriselvan, an advocate, said following an earthquake in Japan in March 2011, the Japanese government tried its best to control the spread of radioactive leak. Despite its efforts, there was low level of radiation. Following this incident, the NPCIL had constituted four task forces to review the consequences in the event of a similar incident occurring in India.

RECOMMENDATIONS

The task force submitted an interim report in March 2011 in which it made 12 short-term and eight long-term recommendations.

Similarly, the AERB had also constituted a committee in March 2011 to review the safety aspects of nuclear power plants operating in the country. It submitted its report in August the same year. As per the report, the practice of storing spent radioactive ion exchange resins in underground tanks should be discontinued as there could be a radioactive leak following an earthquake or flood.

The Additional Solicitor General of India P. Wilson submitted that MAPS had proposed an action plan to implement the recommendations of the task force and the committee in a phased manner.

Compliance reports on actions taken were being submitted to AERB regularly. As regards storing spent fuel, the facility was being operated strictly as per the AERB guidelines.

The First Bench comprising the Chief Justice R.K. Agrawal and Justice M. Sathyanarayanan said the petitioner proceeded on the footing as if everything was not in order, whereas the NPCIL's counter, coupled with the information obtained by the petitioner himself by invoking the RTI Act, would disclose that the safety measures were in place and were being implemented to ensure the proper functioning of the MAPS I and II units.

‘ENSURE SAFETY MECHANISMS’

The court hoped that in the event of any unforeseen mishap or disaster, all rescue measures would be in place. It directed the authorities to ensure that all safety mechanisms were put in place for any eventuality.

In view of the NPCIL’s stand, along with the material placed before the court, the Bench said it was of the opinion that the petitioner’s apprehension was unfounded. Therefore, no positive direction could be issued.

Source:

The Hindu, <http://www.thehindu.com/news/national/safety-mechanisms-in-place-in-kalpakkam-says-madras-hc/article5391106.ece>

27 NOVEMBER 2013

49) Do economic offences wing cops need education in finance, accounts?

Soumitra S Bose, TNN | Nov 27, 2013, 03.09 AM IST

NAGPUR: The economic offences wing (EOW), the crime branch unit dealing in complicated financial frauds cases above Rs50 lakh, may not have cops with qualifications in finance or accounts, but senior officials feel that still the show is being managed well with experience and understanding.

A query sent to the crime branch under Right to Information (RTI) Act revealed that only two of the 22 cops posted in EOW have academic background of economics or accounts. The information was sought in the backdrop of the debate whether cops dealing with frauds worth hundreds of crores need a suitable academic background to ensure they understand the case and the investigation is proper.

The RTI reply said that one of the five police inspectors deployed in EOW has a degree in science and law, apart from a Masters in Business Administration (MBA). Crime branch could not provide information on the qualifications of four other PIs in the unit. The same RTI query also revealed that one of the two constables deployed in the unit had a bachelor's degree in commerce.

Activist advocate Tushar Mandlekar said that a specialized unit like EOW definitely requires

specialization to handle cases where knowledge of the subject is essential. "It is baffling how cops can interrogate, press charges and prove the offence if they are not qualified to understand at least the basic issues in the case," he said.

Joint commissioner of police Sanjay Saxena, who was earlier with the Central Bureau of Investigation (CBI), argued that a policeman requires adequate knowledge of Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) for investigations. "It is not required that a cop have prolific knowledge of accountancy or economics to probe cases involving such subjects," said Saxena.

"Police department ropes in chartered accountants, bank officials and specialists in data analysis in cases requiring involvement of such experts," said Saxena, who has served as head of EOW in Mumbai crime branch. "We also have provision for forensic accounting in advanced stages of investigations," he said.

Deputy commissioner of police, crime branch, Sunil Kolhe too feels that educational qualification is no bar for a sound probe. "We go for experience and understanding while deputing someone to the department and not mere educational qualification. In fact, nowhere in the police department are educational qualifications the only criteria for probing cases pertaining to particular subjects," he said.

Incidentally, Kolhe, who heads the EOW unit, is an engineer by qualification.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/nagpur/Do-economic-offences-wing-cops-need-education-in-finance-accounts/articleshow/26434504.cms>

50) Post exposé, MSRTC chief pays up outstanding dues

Following an RTI exposé that Maharashtra State Road Transport Corporation (MSRTC) chairman Jeevan Rao Gore was lavishly spending public money on travelling, even beyond the permissible limit, Mr Gore finally paid all the outstanding dues in a bid to end the matter.

Last month, Mr Gore paid ₹71,227 to the MSRTC as extra vehicle charges that were spent on diesel. As per the receipt, which this newspaper has access to, he has paid the amount due between August 2012 and October 13, 2013. RTI activist Anil Galgali, who had earlier exposed

through an RTI plea that Mr Gore had exceeded his permissible limit of `72,000 per financial year by `47,227 in just eight months between August 2012 and March 2013, has welcomed this move by Mr Gore. Mr Galgali said that public information officer D.D. Sahu handed over the RTI reply, which shows that Mr Gore paid his dues on October 11.

Mr Galgali, chairman of Athak Sewa Sangh, an NGO working for betterment of the governance system, had made a complaint to the CM about this “gross violation” and had demanded that the dues be cut from the salary of concerned officer.

Despite repeated attempts, Mr Gore remained unreachable, however, an official from MSRTC said that Mr Gore didn't pay the outstanding amount due to the “exposé”, but was already willing to pay.

Source:

Asian Age, <http://www.asianage.com/mumbai/post-expos-msrtc-chief-pays-outstanding-dues-142>

51) Non-payment of dues to poll personnel by Election Department

SCHOOL HEADMASTER TAKES UP THE FIGHT

SHILLONG: The headmaster of Mid Changdong Nongsyllei Secondary School, Lawbyrtun Fairson K Jana has decided to take on the State Election department over the non-payment of dues to the poll personnel who were assigned with the election duties during the Assembly elections in February last.

Jana has taken up the mantle to fight for those people who were assigned election duties after the RTI, which he had filed with the Sub-Divisional Officer Mairang Sub Division, revealed that the SDO did not pay the full amount to the polling officers.

As per the rate approved by the Election Commission, he said the first polling officer is supposed to receive Rs 250 per day, the second and third polling officers were supposed to get Rs 175 per day and fourth polling officer is supposed to get Rs 100 per day.

“In accordance with the directive of the poll panel, the polling officers were supposed to receive payment for eight days. But the RTI documents revealed that the polling officers under Mairang Sub Division were given payment for only four days,” the school headmaster said.

The SDO had deducted a total amount of Rs 3,600 which is due to the four polling officers in each polling station, he said adding that it was totally illegal.

Following the RTI revelation, the SDO of Mairang Sub Division issued a notification on November 11 asking all the polling officers of the 102 polling stations to collect the pending amount. "I have now filed an RTI to know if money was paid to the polling officers who were assigned duties in the different constituencies of Ri Bhoi and East Khasi Hills," Jana said while indicating that he would continue his fight to ensure that all polling officers who have done their election duties to get their payment as per the Election Commission directive.

Source:

The Shillong Times, <http://www.theshillongtimes.com/2013/11/27/non-payment-of-dues-to-poll-personnel-by-election-department/>

28 NOVEMBER 2013

52) Receipt scam: NGO cries foul as NRIs told to pay embossing fee again

Sanjeev Bhalla, Hindustan Times Nawanshahr, November 28, 2013

On the basis of information received under RTI Act, a local NGO on Tuesday claimed that the money embezzled in Rs. 1.75-crore receipt scam, which had occurred in the office of the commissioner, Jalandhar division, over a year back was being charged from people. Three people, including a clerk of the commissioner office, were involved in the scam.

The scam was unearthed by the then divisional commissioner, Jalandhar, Anurag Verma and a case was registered against main accused Charanjit Singh, a clerk in his office. Brothers Yogesh Soni and Ajay Soni, who were private service providers of the banks and financial institutions that were supposed to deposit fee money in the bank, were other accused.

Through the RTI, NGO Human Empowerment League Punjab (HELP) got the copies of such letters issued by the commissioner in May and June 2012 and then January 2013, wherein he had asked the deputy commissioners in the entire Jalandhar division to recover the fee from people who got services from the commissioner's office.

As per the letter issued by the commissioner's office on January 30, 2013 to the deputy commissioners of Jalandhar, Kapurthala, Nawanshahr, Hoshiarpur, Gurdaspur, Tarn Taran, Pathankot and Amritsar districts, it was mentioned that the money pertaining to the receipt scam, which included the fee for embossing of documents related to NRIs as well as loans, must be charged from the people who had applied for the same during that period.

The scam was unearthed in February 2012. The accused had embezzled Rs. 1.75 crore, including Rs. 75 lakh for 20011-12 and Rs. 1 crore for 2010-11.

The RTI information revealed that the deputy commissioners of all these districts had further asked the revenue department officials to get deposited the fee according to Section 48 of the Indian Stamp Act, 1899, or the action would be taken under Sections 409, 420, 465, 467, 468, 471 and 120 (B) of the IPC.

Parvinder Singh Kitna, a founder member of HELP, asked that when they had already given the money at the office of the commissioner for embossing of documents and other purpose then why they would pay for it again.

A senior officer at the commissioner's office said the receipt scam occurred as people used to pay the money to the clerk instead depositing in the bank themselves and the clerk and private service providers used to keep the requisite fee taken in cash from the applicants instead of depositing it in the bank.

Commissioner, Jalandhar, R Venkatratnam could not be contacted as he was out of town, while his personal assistant (PA) Vinay Sharma said in this case applicants were supposed to deposit the money themselves in the bank instead depending on others. He said no money was deposited in the bank by the applicants or their own reliable persons and now fee was being charged from them as per the Indian Stamp Act, 1899.

On being asked that why the property of the accused should not be attached to recover the amount, he said the clerk had been dismissed from service by the government.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/jalandhar/receipt-scam-ngo-cries-foul-as-nris-told-to-pay-embossing-fee-again/article1-1156834.aspx>

53) Western Railway collected Rs30.87 crore as fine in 2011-12, reveals RTI

Moneylife Digital Team | 28/11/2013 02:25 Pm

An RTI reply in response to an application filed by Samir Zaveri, reveals that despite having unimpressive checking system, Western Railway collected fine of Rs30.87 crore from commuters found travelling without valid ticket.

Railway activist Samir Zaveri's application under the Right to Information (RTI) Act, revealed that during the year 2011-12, Western Railway has earned total revenues of Rs1,824.99 crore and fines of Rs30.87 crore from commuters who were found travelling without valid tickets. Even after slow process of ticket checking, where thousands of people travel without ticket everyday, Western Railway managed to collect fine of Rs30.87 crore from ticket checking activities in the year 2011- 12.

Railway activist Samir Zaveri filed an RTI application on 22 March 2013, to get information about annual income, expenses, profit and loss pertains to 'Western Railway Mumbai Suburban Train Network'.

Western Railway gross income stood at Rs1,824.99 crore. Western Railway earned total of Rs1,664.54 from travel fare from which, it earned Rs587.55 crore through suburban fare and Rs1,077.03 crore through non-suburban fare. Western Railway's other earnings stood at Rs112 crore and earnings from goods stood at Rs48.41 crore.

Western Railway earned huge income from the other incomes sources like advertisement in trains, hoarding on station, fine collection, rental income of stalls and ATMs on railway premises. Western Railway sells space for advertisements inside as well as out side trains and on the stations, it earned Rs1.77 crore from train advertisements and Rs22.26 crore from hoardings in 2011-12.

Western Railway in 2011- 12 has collected Rs4.45 crore from rentals of suburban section ATMs situated in railway premises, Rs3.87 crore as license fees from catering units and also collected fine of Rs1,61,000 from catering units. However from book stall Western Railway collected only Rs57,023 as Rs4 crore worth of collection is pending and overdue.

Western Railway's 2011-12 expenditure on salaries & wages stood at Rs916.77 crore, non salary & wages expenditure stood at Rs707.87 crore. Western Railway spent Rs1.04 in buying new equipments for stations.

Following table shows complete details of income and expenditure of the Western Railway Mumbai Suburban Train Network during the year 2011-12:

Income & expenditure for 2011 - 2012 of Western Railway – Mumbai division (as per RTI-reply shows)

SNo.	Particulars	Income (Rs)	Expenditure (Rs)
1	Passengers earning (suburban)	587.55 crore	NIL
2	Passengers earning (Non-Sub)	1077.03 crore	NIL
3	OCH	112 crore	NIL
4	Goods	48.41 crore	NIL
5	Salary & Wages	NIL	917.77 crore
6	Non Salary & wages	NIL	707.87 crore
7	Ticket checking fine collection	30.87 crore	NIL
8	License fee from Bank ATMs	4.46 crore	NIL
9	License fee from caterings units	3.87 crore	NIL
10	License fee from book stalls	57,023 (total collection of Rs4 crore is pending & overdue)	NIL
11	Fine imposed on caterings units.	1,61,000	NIL
12	Advt. in local trains + Hoardings on station	1.77 crore + 22.26 crore	NIL
13	Equipments purchased for stations	NIL	1.04 crore

Source:

Money life, <http://www.moneylife.in/article/western-railway-collected-rs3087-crore-as-fine-in-2011-12-reveals-rti/35448.html>

54) RTI reply says Cong MLA claimed 1.32 cr as medical bill

Express News Service : New Delhi, Thu Nov 28 2013, 02:38 hrs

A Right to Information Act (RTI) reply from the Delhi Assembly has revealed that Congress MLA Vipin Sharma, in his term as a legislator from Rohtas Nagar, claimed Rs 1.32 crore as medical reimbursement. Sharma's claim is the highest among MLAs. He is followed by Independent MLA Bharat Singh who claimed Rs 27.5 lakh.

The details of medical reimbursements were supplied for an RTI query by activist Subhash Chandra Agrawal on Tuesday.

According to the reply, Chandni Chowk MLA Prahlad Singh Sawhney claimed the least medical reimbursement of Rs 8,182. All Delhi MLAs are provided 'free medical treatment and/or reimbursement and free accommodation in all hospitals run by the government,' as per Assembly rules.

Similarly, the travel bills of legislators also show high claims with BJP MLA from Shakur Basti, Shyam Lal Garg, claiming Rs 3.87 lakh over the last five years. Congress MLA from Rajouri Garden, Dayanand Chandila, claimed Rs 17,682 during the period.

Vipin Sharma and Bharat Singh were unavailable for comment.

Top 5 medical bill claimants

Vipin Sharma Rs 1,31,93,055

Bharat Singh Rs 27,51,645

H S Balli Rs 17,49,022

Naseeb Singh Rs 4,60,335

Rajesh Jain Rs 4,09,388

Top 5 travel bill claimants

Shyam Lal Garg Rs 3,87,417

Jai Bhagwan Aggarwal Rs 3,60,671

Veer Singh Rs 3,40,679

Mateen Ahmed Rs 3,32,004

Surender Kumar Rs 3,29,407

Source:

The Indian Express, <http://www.indianexpress.com/news/rti-reply-says-cong-mla-claimed-1.32-cr-as-medical-bill/1200530/>

Also Available At:

<http://www.ndtv.com/article/cities/delhi-this-35-year-old-mla-has-one-crore-medical-bill-451832>

<http://www.firstpost.com/politics/delhi-polls-serial-mlas-wholl-return-despite-an-anti-cong-wave-1255957.html>

<http://www.thehindu.com/news/cities/Delhi/delhi-mlas-running-up-huge-medical-bills/article5400468.ece>

<http://www.hindustantimes.com/specials/coverage/myindia-myvote/chunk-ht-ui-myindiamyvote-delhi/mla-s-medical-bill-runs-into-more-than-a-crore/sp-article10-1156527.aspx>

<http://ibnlive.in.com/news/congress-mla-claims-rs-132-cr-as-medical-reimbursement/436479-37-64.html>

http://zeenews.india.com/news/delhi-polls/assets-of-66-sitting-mlas-rise-259-per-cent-in-5-years-report_892627.html

<http://timesofindia.indiatimes.com/assembly-elections-2013/delhi-assembly-elections/Delhi-MLAs-recontesting-polls-saw-wealth-rise-threelfold-in-5-years/articleshow/26434951.cms>

<http://daily.bhaskar.com/article/ELEC-DEL-a-new-tool-to-embezzle-tax-payers-money-elected-by-people-this-mla-from-delhi-ex-4447263-NO.html>

<http://www.governancenow.com/news/regular-story/over-rs-341-crore-spent-delhi-mlas-medical-travel-bills>

<http://www.niticentral.com/2013/11/28/congress-mlas-medical-bill-costs-rs-132-cr-to-exchequer-in-5-years-162522.html>

55) Students use RTI Act allege out of turn jobs

EMN Kohima, November 28

The Naga Students' Federation (NSF) today charged the state government of appointing 724 persons to different posts in various categories by unfair means. They allege the appointments to be in 36 government departments from October 31, 2009 to December 31, 2011. In a representation addressed to the Chief Secretary signed by NSF vice President Joseph Ngouri and

General Secretary Esther Rhakho, a copy of which was issued to the media this evening, the Federation said “as per the information received by the Federation through RTI Act, 551 post of Grade-III, 137 post of Grade-II and 36 post of Grade-I has been appointed in as much as 36 departments under various categories and mode of appointments”.

The department include: Assembly Secretariat, DUDA, Cooperation, Economics & Statistics, Employment & Craftsmen Training, Excise, Election, Fisheries, Forest, Food & Civil Supplies, Geology & Mining, Higher Education, Health & Family Welfare (H &FW), Khadi & Village Industries, Justice & Law, Irrigation & Flood Control, Industries & Commerce, Information & Public Relation (IPR), Legal Metrology, Land Resource, Labour Commissioner, Nagaland Public Service Commission (NPSC), New & Renewable Energy, Nagaland State Transport (NST), Prisons, School Education, PWD (Mechanical), Rural Development (RD), SIRD, Sericulture, Soil & Water Conservation, Transport Commissioner, Tourism, Urban Development, Women Development and Youth Resource & Sports
Meanwhile, the NSF said when there are thousands of educated unemployed, it is most discouraging and demoralizing to come across such anomalies and lack of transparency in the government establishments. The practice infringes on the legitimate rights and opportunities of the aspiring candidates and creating a sense of insecurity amongst the up-coming generation. Therefore, in the interest of Naga educated youth and the students’ community, the NSF strongly demands the requisition of all the posts to the NPSC which have seen appointments through the backdoor.

The concern department should send requisition to the NPSC within 25 days of submission of this representation for open recruitment failing which the Federation will not hesitate to initiate any mode of agitation in our effort to cleanse the system and the corrupt practices in the greater interest of every section of our society, the NSF warned.

Source:

Eastern Mirror Nagaland, <http://www.easternmirrornagaland.com/2013/11/students-use-rti-act-allege-out-of-turn-jobs/>

56) Anomalies in issuing SC certificates

Staff Reporter Guwahati, Nov 28 –

Widespread anomalies in procurement and issuance of Scheduled Caste (SC) certificates has emerged as a disturbing concern in the State, with undeserving candidates in their hordes depriving genuine candidates in matters of admission in educational institutions and tests for Government jobs.

It has been revealed through information furnished by Government authorities in reply to RTI applications that many candidates with surnames of Dhar, Saha, Shah, Prasad, etc., are showing themselves as belonging to the indigenous Bania community even though they do not come under that category as per laid-down norms.

“The Banias are specified as a Scheduled Caste of Assam by the Constitution (Scheduled Caste) Order-1950. They came to be recognised as an indigenous caste in the Brahmaputra Valley, having a bona-fide Assamese heredity and the traditional goldsmith occupation,” this was stated by the Welfare of Plain Tribes and Other Backward Classes (WPT&BC) Department quoting various authorities in reply to the RTI application by Bijoy Kumar Das.

It has also been revealed that of the 70-odd SC (Bania caste) certificates issued by the office of the Deputy Commissioner of Tinsukia since 2002, a number of the beneficiaries have surnames (such as Prasad, Sarkar, Sahani, Mahato, etc.,) that do not belong to any of the known indigenous Assamese communities.

Source:

Assam Tribune, <http://www.assamtribune.com/scripts/detailsnew.asp?id=nov2913/at094>

29 NOVEMBER 2013

57) POWER misused: Fearing bad luck, Atal Bihari Vajpayee 'illegally' got his house number changed

Tarique Anwar, Dailybhaskar.com | Nov 29, 2013, 06:12AM IST New Delhi

In a glaring instance of misuse of power, former Prime Minister Atal Bihari Vajpayee got the number of his post-retirement bungalow altered owing to superstition that the original house number would bring him bad luck.

Vajpayee had in 2004, when he was caretaker prime minister after the National Democratic Alliance (NDA) lost the general elections, asked the Urban Development Ministry to renumber his post-retirement bungalow number from 8 to 6-A at Krishna Menon Marg in the national capital, revealed a reply of an RTI filed by activist Subhash Agrawal.

In a letter (D.O. No. 652/ASA/G/04) dated May 19, 2004, Ashok Saikia, the then additional secretary at Prime Minister's Office (PMO), had written to Anupam Dasgupta, additional secretary, Ministry of Urban Development, urging him to change the bungalow number from 8 to 6-A, Krishna Menon Marg prior to its allotment to the prime minister after he demits office.

"We have been advised that it would be more appropriate that Bungalow No.8, Krishna Menon Marg is re-numbered as 6-A prior to its allotment to the Prime Minister after he demits office," Saikia said in the letter.

Interestingly, it was earlier requested that the bungalow number be changed from 8 to 'lucky' 7-A. But '7-A' was over-written as '6-A' in the request letter perhaps after realising that Lutyens Bungalow Zone of New Delhi has a system of even numbers of bungalows on one side of the road, while those with odd numbers on other side.

The RTI response also confirms that there are no rules and guidelines for such arbitrary change of government bungalows for personal choice of occupants.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-12-01/india/44618606_1_cpio-pmo-urban-development

Also Available At:

<http://daily.bhaskar.com/article/DEL-fearing-bad-luck-atal-bihari-vajpayee-illegally-got-his-house-number-changed-4448429-NOR.html>

58) Notice to State on plea to register case against Yelahanka MLA

BANGALORE, November 29, 2013

The Karnataka High Court on Wednesday ordered issue of notice to the State and the Bangalore city police on a petition seeking direction to the police to register a criminal case against S.R. Vishwanath, MLA for the Yelahanka Assembly constituency, for allegedly drawing remuneration from the State and Union governments simultaneously.

Justice A.S. Bopanna passed the order on a petition filed by social activist V. Shashidhar, a resident of Yelahanka. The court also ordered issue of notice to Mr. Vishwanath.

Based on the information obtained through RTI Act, the petition alleged that Mr. Vishwanath was working as a Mechanic (Grade A) with Hindustan Aeronautics Ltd. (HAL) and as a member of the Bangalore Urban zilla panchayat between 2000 and 2005.

Pointing out that the Service Rules of the HAL did not permit an employee to contest an election to a local body and become a member, the petitioner alleged that Mr. Vishwanath drew salary from the HAL and honorarium from the zilla panchayat between 2002 and 2005. "Drawing of remuneration from two sources by a public servant is illegal as per the law and verdicts of the High Court and the Supreme Court," the petitioner claimed. The petition alleged that attempts to register a complaint against Mr. Vishwanath for cheating, criminal breach of trust, and misappropriation causing wrongful loss to the State and Union governments had not been successful. The police had said that the complaint was more than six year old and could not be investigated under Section 125A of the Representation of People Act (penalty for filling wrong affidavits) and asked the petitioner to approach the court. However, the petitioner claimed that the police could not refuse to register a first information report when a cognisable offence was reported.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/notice-to-state-on-plea-to-register-case-against-yelahanka-mla/article5403372.ece>

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-11-28/bangalore/44545906_1_radiologists-mandya-central-rule

30 NOVEMBER 2013

59) Vizag perfect choice to be capital of Seemandhra: URS president

Visakhapatnam, November 30, 2013 B. Madhu Gopal

'No truth in arguments of non-availability of land and geographical location'

Lawyers staging a protest in front of the statue of Amarajeevi Potti Sriramulu on the Beach Road against bifurcation of the State in Visakhapatnam on Friday.— Photo: K.R. Deepak

There is no truth in the propaganda being made by leaders of south coastal Andhra that non-availability of land and geographical location diminish the chances of Visakhapatnam in its race for the capital of the residual state of Andhra Pradesh after bifurcation.

“Visakhapatnam is best suited to be the capital of Seemandhra and the other cities being showcased as the prospective capitals come nowhere near it, be it in infrastructure facilities, road, rail, air and seaport connectivity availability of water, land, location of PSUs and Defence establishments,” said Uttarandhra Rashtriya Samithi (URS) president A. Bhagavanulu.

An RTI activist and former Professor, he has obtained information, running into hundreds of pages, under the Right To Information (RTI) on the injustice done to Uttarandhra (north Andhra) during the last six decades after Independence.

Prof. Bhagavanulu sent a memorandum, based on the RTI information, to the Prime Minister's Office, the Group of Ministers (GOM) Chairman and others. He did not remain content with mere acknowledgements to his representations and is seeking replies, under the RTI, on the action taken on them.

Union Minister of Tribal Affairs and Panchayati Raj V. Kishore Chandra Deo, who has been battling for Vizag as the capital of Seemandhra, wrote to the GOM Chairman on the availability of 27,000 acres of land, opposite the Zoo.

He suggested that this could be used to develop the new capital along with two other blocks of land measuring 9,000 acres each, which was already brought to the notice of the GOM.

The erratic groundwater availability and lack of infrastructure rule out the possibility of Ongole as the capital. Though Vijayawada has some infrastructure facilities in place, its geographic location of a landlocked city, which is saturated with concrete structures and is reeling under pressures of high density of population, there is no scope for extension to meet the needs of a state capital.

Rayala Telangana

Mr. Deo affirmed that Visakhapatnam alone is the suitable location for the capital in the event of bifurcation but suggested that some facilities and institutions could be located both in Prakasam district and Vijayawada for their growth.

He favoured merging of the four districts of Rayalaseema in Telangana and formation of Rayala Telangana in view of the historical bonding between the people of those two regions.

He also opposed the idea of a common capital in a divided state and felt it should be rejected outright.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/vizag-perfect-choice-to-be-capital-of-seemandhra-urs-president/article5406832.ece>

Stories of Challenges faced by RTI Users

01 NOVEMBER 2013

60) ZP violating RTI provisions: vedike

Gulbarga, November 1, 2013

'Details of promotion procedure not being divulged'

Members of the Shramajeevigala Vedike have accused the Gulbarga Zilla Panchayat of violating the Right to Information (RTI) Act by not providing details of procedures being followed in the promotion of bill collectors working in gram panchayats as secretaries and direct appointments made for the post of secretaries.

Chandrasekhar Hiremath, president of the vedike, told presspersons that the zilla panchayat officials were stonewalling his attempts to get the details of promotions by shifting the responsibility from one official to another.

ZP officials stonewalling attempts to get details: Hiremath

'About 65 per cent of GPs not paying minimum wages to daily wage workers'

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/zp-violating-rti-provisions-vedike/article5303353.ece>

02 NOVEMBER 2013

61) Faridkot hospital fails to give count of CT scans over 5 yrs

Raghubir Singh Brar , Hindustan Times Faridkot, November 02, 2013

Guru Gobind Singh Medical College and Hospital, Faridkot, has allegedly failed to provide information to an RTI query on the number of CT scans performed at the hospital over the past five years. Member of the Cancer Sewa Society, Gurpreet Singh, who filed the RTI plea has claimed that on August 2, the principal office told him that the required information could be sought from the head of the CT Scan Centre, Faridkot, as it did not fall under its purview.

Deciding the appeal on October 3, GGS medical college principal maintained that the information was not available with his office. However, RTI activists have alleged that the

information was not being shared as the private contractor had been allowed to get away with violating the agreement that mandated providing 10% of the CT scans free to poor patients. The patients were to be recommended by the college.

"The figures are supposed to be audited every six months and if the number of free scans exceeds 10% of the total, the excess is supposed to be reimbursed by the medical college or the university," Gurpreet claimed. "I had sought the total number of the CT scans done at GGS Medical College, Faridkot, and the number of free scans provided to the poor if any and their name and addresses. This will have cleared if the CT scans have been made available to the deserving or there has been some irregularity. Not providing data strengthens suspicion that some figures have been manipulated for ulterior gains," added Gurpreet. "Thousands of CT scans are done. We want information to disprove our suspicion that tests were not done, but money was claimed," added Kultar.

"We brought the matter to the notice of the chief minister. A senior officer then asked us to file a police complaint and this was done on October 7," he added. "We have clubbed this complaint with the other complaints regarding the medical college and it is being investigated by the CIA incharge," said Jaswinderpal Sharma, DSP Faridkot. The principal and the medical superintendent of the college both claimed that they were not responsible for maintaining the record of the tests done.

"We are providing this facility of free CT scan to all deserving poor patients. I recommend the cases cases, said Col Dr JC Sanadhya, medical superintendent of GGS medical college Faridkot. He claimed that the record would be available with the office principal because the agreement on the free CT scans was signed between the contractor and his office.

"You should talk to the principal about it," he said. However, college principal GC Ahir claimed that the record would be available with the MS office.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/faridkot-hospital-fails-to-give-count-of-ct-scans-over-5-yrs/article1-1146420.aspx>

Also Available At:

<http://www.highbeam.com/doc/1P3-3115284511.html>

04 NOVEMBER 2013

62) RTI Act files also go missing

DC | G. Jagannath | 04th Nov 2013 **Chennai**

It is not only files related to scams that go missing in government offices but also right to information Act files. It seems that officials of the department of personnel and training are hunting for files pertaining to deliberations that took place before the passage of the RTI Bill 2005 in Parliament. This was revealed in response to an RTI query, raised by a city-based activist V. Gopalakrishnan, who has sought details of deliberations pertaining to various definitions of ‘personal information’, ‘public interest’, ‘third party and confidential information’ and ‘fiduciary’ referred to in the Act before its passage in Parliament. Information was mostly denied, with the public information officer (PIO) citing any of the above reasons, he said.

However, the chief public information officer (CPIO) of the department, in his reply, said concerted efforts had been made to locate the files prior to 1997, but they could not be located.

“The year 1997 is important in the context of the RTI Bill 2005 emerging from the (Freedom of Information) Bill 2002. It seems that the work for Bill 2002 had commenced before 1997. Efforts to locate the files are on and as soon as any information is available it would be provided to you,” the official said in his reply dated October 9.

Terming the CPIO’s reply as shocking, Association of Transparency and Anti-Corruption president C. Selveraj, a retired state government employee, said the number of occasions when public authorities deny giving the information, stating that the files were missing, has gone up.

“The files cannot simply go missing. They are hesitating to supply the required information as it may expose the wrong interpretation of various provisions in the RTI Act which are widely cited by PIOs to reject information,” he said. Before the Freedom of Information Bill, 2000 was introduced in the Lok Sabha on July 25, 2000, a number of states had already introduced the Bill on right to information. Tamil Nadu was the first state to set an example by introducing the right to information Act in April 1996, followed by the Goa, Madhya Pradesh and Rajasthan governments. The first UPA government repealed the Freedom of Information Act and passed the RTI Act in 2005.

Source: The Deccan Chronicle, <http://www.deccanchronicle.com/131104/news-current-affairs/article/rti-act-files-also-go-missing>

05 NOVEMBER 2013

63) No information on corruption in Nalco: RTI reply

Bhubaneswar, Nov 5, 2013 (IANS)

The state-run National Aluminium Company Ltd (NALCO) has no record of the corruption charges some of its former chairmen and directors faced during last five years, according to a response to a RTI application.

Like any public sector enterprise, Nalco has a vigilance unit in place. Led by a chief vigilance officer, it is supposed to ensure probity and integrity in public administration.

"I had filed the RTI application Oct 3 to find out if the vigilance unit of the company is maintaining any such records (of corruption charges), but I am surprised they are not," Right to Information Activist Akhand told IANS.

He said the denial of information to him was an attempt to conceal corruption.

Akhand said in response to his query, the company secretary and Public information officer (PIO) of NALCO stated no such record was being maintained in the department.

"The information sought by the information seeker is very general in nature and as per the records available in the department, no such record is maintained in the department," stated K.N.Ravindra, the company PIO in his reply to Akhand.

"Compiling the same would disproportionately divert the resources of the company. Hence the information could not be provided," he wrote in the letter, a copy of which is in possession of IANS.

Akhand said that many of Nalco's former directors and chairman-cum-managing directors have faced serious corruption charges in the past.

The government terminated the services of A.K. Srivastava, who was holding the post of chairman-cum-managing director the company last year, after the Central Bureau of Investigation arrested him on charges of taking a bribe.

Similarly, B.L. Bagra, another director and chairman-cum-managing director-in-charge was allegedly removed from his post after his alleged involvement in a scam, the activist said.

"I have approached the higher appellate authority in the company. If I don't get the information, I will approach the Central Information Commission," he said.

The Bhubaneswar-headquartered NALCO is India's third largest aluminium maker.

Source:

The Deccan Herald, <http://www.deccanherald.com/content/367105/no-information-corruption-nalco-rti.html>

Also Available At:

http://www.business-standard.com/article/news-ians/no-information-on-corruption-in-nalco-rti-reply-113110500102_1.html

06 NOVEMBER 2013

64) No information on Kalam's letter on mercy pleas, home ministry says

Himanshi Dhawan, TNN, Nov 6, 2013, 05.11AM IST New Delhi

Has the government lost or misplaced former President APJ Abdul Kalam's letter asking for a review of mercy petition cases? The ministry of home affairs has summarily dismissed an RTI application saying it has "no information" on the subject. Ironically, the former President has written about his reservations on death penalty in his book 'Turning Point: A Journey Through Challenges'.

The home ministry's denial was in response to an application by Commonwealth Human Rights Initiative's Venkatesh Nayak who sought all correspondence between the President and the ministry on the guidelines for dealing with mercy petitions under Article 72 of the Constitution. He sought correspondence by former presidents including K R Narayanan, A P J Abdul Kalam and Pratibha Patil.

The home ministry's curt reply was it had no information on the subject. While there is no information on whether other presidents had written to the government or not, officials working with Kalam confirmed that a letter was sent to MHA during his tenure.

In his book, Kalam discusses capital punishment and notes that a substantial number of cases were pending in Rashtrapati Bhawan for many years. He writes, "I thought I should get all these cases examined from a normal citizen's point of view in terms of crime, intensity of crime and the social and financial status of the individuals who were convicted and awarded capital punishment. This study revealed to my surprise that almost all the cases which were pending had a social and economic bias. This gave me an impression that we were punishing the person who

was least involved in the enmity and who did not have a direct motive for committing the crime."

He adds, "In my view, while courts are hearing the capital punishment cases, they should alert the law-enforcing authorities to intelligently find out the source of sustenance of the individual who is being punished and that of his family. This kind of analysis may lead to the real person and the motive which led to the crime."

Sources close to Kalam confirmed that the study was sent to the MHA with the recommendation that financial, sociological and humane grounds be considered before a mercy petition was rejected.

Source:

The Times of India, <http://timesofindia.indiatimes.com/india/No-information-on-Kalams-letter-on-mercy-pleas-home-ministry-says/movie-review/25285925.cms>

Also Available At:

<http://www.kashmirmonitor.in/news-no-information-on-kalam%E2%80%99s-letter-on-mercy-pleas-hm-57052.aspx>

10 NOVEMBER 2013

65) Govt profit from lotteries sinking

Archit Watts/TNS Muktsar, November 10

The state government's net profit from the sale of lotteries has decreased sharply in past eight years. During the fiscal year 2005-06, the Finance Department had earned a profit of Rs 107.65 crore from lotteries alone. This came down to Rs 6.59 crore in 2012-13, 16 times less than in 2005-06.

Information procured under the RTI Act from the Directorate of Lotteries shows that the profit has been decreasing every year. The net profit in 2005-06 was Rs 107.65 crore, in 2006-07 Rs 107.56 crore, in 2007-08 Rs 77.19 crore, in 2008-09 Rs 29.97 crore and in 2009-10 Rs 28.16 crore.

In 2010-11, the department suffered a loss of Rs 3.49 crore as the taxable amount was far more than the gross profit.

In 2011-12, the net profit was Rs 13.53 crore and in 2012-13 it was Rs 6.59 crore.

The department had in 2004-05 suffered a loss of Rs 34.82 crore from the sale of lotteries.

When contacted, Rupesh Puri, Deputy Controller, Finance and Accounts, Directorate of Punjab State Lotteries, refused to comment on the matter, saying: “The Deputy Director is the right person to give any information in this regard.” But Deputy Director Tarsem Lal Goel said: “The matter comes under the finance and accounts section. Officials there can tell you the reason behind the declining profit.” Attempts made to contact Shruti Singh, Director, Punjab State Lotteries, proved futile.

Source:

The Tribune, <http://www.tribuneindia.com/2013/20131111/punjab.htm#16>

11 NOVEMBER 2013

66) Ageing dams not being decommissioned: report

Dehradun, November 11, 2013 Kavita Upadhyay

A report by International Rivers, an NGO campaigning against destructive dam projects worldwide, has highlighted the absence of policies regarding decommissioning of old dams in India.

“Ageing dams are a serious concern in India. The report reviews the lifecycle of dams and its relation to the safety of the riverine system and downstream areas. These concerns should be introduced in mainstream policy debates,” said Bharat Lal Seth, South Asia Program Coordinator, International Rivers.

‘Dam Planning under the Spotlight: A Guide to Dam Sanctioning in India’, has reintroduced the debate around decommissioning of old dams which, it says, is crucial for restoration of damaged ecology. Dams have a lifespan which, according to the United States of America, is between 30 and 50 years. After completing their lifespan, dams have to be evaluated to check whether they need to be decommissioned.

India with more than 5,100 large dams is the world’s third largest dam builder. Dam decommissioning for the Mullaperiyar dam in Kerala and the Dumbur dam in Tripura has garnered much attention.

The International Rivers report states: “Estimates reveal that [in India] around 100 large dams are more than 100 years old and more than 400 large dams between 50 and 100 years.”

While at the international level, dam decommissioning is already a part of the dam construction scenario for revival of riverine ecology and farming, it remains to be an unexplored arena in India

Urmi Bhattacharjee, the author of the report states: ‘The Central Water Commission and the Central Electricity Authority (CEA) are of the opinion that a dam is a permanent structure that does not need to be decommissioned, even though many old dams have developed leaks and fissures.’

Ms. Bhattacharjee told *The Hindu* that in reply to an RTI application filed in October 2012 regarding information on the dams that need to be decommissioned, the CEA had said : ‘There is no information available on dams that need to be decommissioned.’

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/ageing-dams-not-being-decommissioned-report/article5337548.ece>

67) RTI activist challenges water sample report of Punjab water and sewerage board

HT Correspondent , Hindustan Times Ludhiana, November 11, 2013

Challenging the transparency in the working of Punjab water and sewerage board, RTI activist Arvind Sharma has accused the board's (mandal 2) executive engineer of giving wrong information with regard to the status of chlorination of water in blocks D, F, G and H in Shaheed Bhagat Singh Nagar to the civil surgeon's office.

Sharma had submitted a complaint to the Punjab water and sewerage board and Ludhiana civil surgeon, claiming that residents in SBS Nagar were not getting safe drinking water, hence, increased number of people were down with various water-borne diseases.

Much to the dismay of Sharma, he received a letter on October 23 from the office of the executive engineer, wherein it was stated that water samples of tubewells were taken on October 3 and were found fit for human consumption. The report also said that the residents were being supplied chlorinated water.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/ludhiana/rti-activist-challenges-water-sample-report-of-punjab-water-and-sewerage-board/article1-1149891.aspx>

68) HC order on CBI: an opportunity to re-examine lapses of history

Hindustan Times New Delhi, November 11, 2013

Prime Minister Manmohan Singh's assurance to the CBI's brass to look into the agency's legal status, raised by a Gauhati High Court ruling last week, must have come as much-needed relief. The matter will now head to the Supreme Court, which has stayed the order, and more will be heard on December 6. But the HC's quashing of a 1963 resolution of the Union ministry of home affairs that created the CBI has raised a constitutional debate that is essential to any democracy. The judges raised pertinent issues about the powers of the CBI and also issues related to Article 21 that guarantees life and liberty as well as Article 73 from which the legislature draws its powers to enact laws.

The origins of the CBI are shrouded in legal confusion and that has led to the conundrum. In 1941, the imperial department of war exercised its emergency powers to create an anti-corruption unit to curb malpractices in war procurements. After the war ended in 1946, the emergency powers were withdrawn and lawmakers realised that the anti-corruption unit would be folded up. They passed the Delhi Special Police Establishment (DSPE) Act of 1946 to continue with this agency. On April 1, 1963 the Union ministry of home affairs passed an executive order using the provisions of Section 6 of the DSPE Act to set up what was a Special Police Establishment or the CBI.

Can an agency, created by an executive order, operate in other states tied together by a federal structure? Can such an agency conduct investigations that are legally tenable in a court of law, and also arrest citizens, depriving them of their fundamental rights? When the high court closely examined these issues, based on the documents and arguments provided by the Centre, they found glaring loopholes.

Ironically, the CBI is also a law enforcement agency, one among the nine designated by the ministry of home affairs along with the Intelligence Bureau and the R&AW. All of them can

conduct surveillance, tap phones, and intercept emails and have other intrusive powers that impinge on fundamental rights. Interestingly, the Constitution, in Schedule 7 has given Parliament the power to create intelligence and investigation organisations. But successive governments have avoided doing so to prevent public accountability of these agencies.

Perhaps this is why the CBI was also taken out of the RTI's ambit earlier. However, in other democracies like Britain, Acts passed by Parliament now govern investigation and intelligence agencies. This is an opportunity to re-examine these lapses of history and adopt a modern and democratic framework.

Source:

The Hindustan Times, <http://www.hindustantimes.com/Comment/Editorials/HC-order-on-CBI-an-opportunity-to-re-examine-lapses-of-history/Article1-1149952.aspx>

12 NOVEMBER 2013

69) RTI applicant told to pay Rs. 22 lakh for information!

Bhubaneswar, November 12, 2013 Staff Reporter

When Manoj Kumar Agrawal, a resident of Bhawanipatna, sought details of land transactions made in Kalahandi district over a period of 20 months, little did he know that he would be asked to cough up 10 years of his earning for laying hand on the information.

Mr. Agrawal received the jolt when he glanced over the letter dispatched recently by Uttam Kumar Bag, District Sub-registrar, Bhawanipatna, who had estimated the cost of information sought by him at Rs. 21,94,441.

“In July this year, I had asked information about land transactions made in Kalahandi district over period of 20 months. The information could have been summarised in 2,000 pieces of papers. But they asked me to pay Rs. 22 lakh, the amount is my entire earning in a decade,” he said. The letter of District Sub-Registrar says administrative cost towards searching 6,658 documents would be Rs. 4.78 lakh, inspection fees (Rs. 1.39 lakh), copying fees (Rs. 1.71 lakh), urgent fees (Rs. 66,580), stamp fees (Rs 66,580) and user fees (Rs. 12.71 lakh).

Mr. Agrawal, a trader, said, “When I filed my first RTI application in this regard, officials discouraged me to pursue. However, I kept on meeting the officials and stuck to my RTI application. The amount sought for reply is perhaps intended at dissuading me.”

When inquired, DSR Mr. Bag, who is also public information officer, said, “We had not estimated the cost of reply. To furnish reply to the application required gigantic administrative exercise. We had forwarded the application to Odisha e-Governance Service Limited. They came out with the calculation of Rs. 21.94 lakh.”

Preparation

The official said entire administration cannot be engaged for preparation of report for complying a single RTI application and information seeker would be provided with copy of entire document available with administration, for which the cost probably shot up to Rs. 21.94 lakh.

RTI activists termed the letter against the spirit of the RTI Act. “I had gone through the entire letter which sounded very hilarious. Cost has been estimated in fictitious account. For example, there is no provision of searching fees, urgent fees or user fees in the RTI Rules in Odisha. This is just an attempt to discourage information seekers,” said Pradip Pradhan, an RTI activist.

Manoj Kumar Agrawal sought details of land transactions in Kalahandi district over a period of 20 months.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/rti-applicant-told-to-pay-rs-22-lakh-for-information/article5342374.ece>

13 NOVEMBER 2013

70) Ex-info chief files Right to Information for Adarsh probe report

Wednesday, Nov 13, 2013, 8:45 IST | Place: Mumbai | Agency: DNA

Former central information commissioner Shailesh Gandhi has made an application to the government under the Right to Information (RTI) Act seeking the Adarsh commission report.

In his application to the chief minister's office on October 21, Gandhi said the state legislature has been denied the information so far and that citizens had a right to know.

The Adarsh commission submitted its report to the government on April 1, 2013, two years after it was set up to inquire into the Adarsh housing scam. The names of some top politicians from various parties cropped up during the inquiry. Ashok Chavan had to step down as chief minister, pending the inquiry.

But the government has not yet made the report public despite being required to within six months under the law. During the monsoon session of the legislature, it stated that the action taken report was not ready.

Fearing the government may not release the report, Gandhi has stated in his application that the report cannot be exempt from the purview of the RTI Act. "I may point out that exemption under section 8(1)(c) cannot be claimed to deny information," Gandhi stated. This section pertains to a breach of privilege of the legislature.

He said that "since the report has not been placed within six months before the legislature, breach of privilege has already occurred. It cannot now be claimed that giving the report to the applicant will cause a breach of privilege, since the government has already breached it."

The despatch officer, who is also the public information officer, has replied to Gandhi saying that his application has been forwarded to the urban development department, which is dealing with the Adarsh matter.

Colaba bldg says its story on Net

The Adarsh Housing Society has launched a website giving details of the society and how they procured permissions from the state government. The website www.adarshsociety.in throws light on the history of the land in south Mumbai where the plush 31-storey building stands, how the society was formed, permissions taken and so on.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-ex-info-chief-files-right-to-information-for-adarsh-probe-report-1918317>

16 NOVEMBER 2013

71) MoD rejects VK Singh's RTI plea for report on secret unit

Saturday, Nov 16, 2013, 12:09 IST | Place: New Delhi | Agency: DNA

The defence ministry has rejected former army chief Gen VK Singh's request for a copy of the army's report on activities of the controversial Technical Support Division (TSD), a secret intelligence unit set up during his tenure.

He had filed an RTI query after media reports quoted it saying that the TSD was carrying out unauthorised covert operations.

A Board of Officers, headed by director general military operations Lt Gen Vinod Bhatia had submitted its report on the activities of TSD, in which it claimed that the unit carried some covert operations without required sanctions. The BoI submitted its report to the defence ministry, which was then sent to the prime minister's office.

In an interview to **dna** on September 21, Gen VK Singh had said that since the report concerns him, he was seeking a copy of it under the RTI Act. He said he had every right to get a copy of the report if a media house could manage to get it.

The ministry rejected Gen VK Singh's plea citing Section 8 (1) (a) of the RTI Act, which bars disclosure of information which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence.

As the RTI plea has been turned down, the former army chief has now written to defence minister AK Antony to prosecute those who leaked that secret report to the media.

Source:

DNA INDIA, <http://www.dnaindia.com/india/report-mod-rejects-vk-singh-s-rti-plea-for-report-on-secret-unit-1920019>

18 NOVEMBER 2013

72) NMC dilly-dallies on RTI query

Anjaya Anparthi, TNN Nov 18, 2013, 02.45AM IST Nagpur

It seems expose of irregularities is making officials violate even Right to Information (RTI) Act. RTI activist TH Naidu has been forced to run from pillar to post by NMC for last six months just to obtain information about property tax of a single plot. The case is related to controversial Fariyas Hotels Pvt Ltd's multi-storey flat schemes coming up at Khamla. TOI highlighted several such cases earlier including one relating to Naidu himself in which the information sought about Sonegaon lake from the Court of Wards, district administration, was given after over 13 months. Naidu has written to municipal commissioner Shyam Wardhane requesting him direct officials concerned in Laxmi Nagar zone to provide information under RTI act. With experience of hundreds of RTI applications in various departments, Naidu said government departments delay the information or adopt various tricks to deny it. "I applied for information on May 21 with NMC Laxmi Nagar zone's property tax department about property tax paid on the plots on which Fariyas Hotels are constructing flat schemes. The department took one month just to say they could not understand what information was being sought. Then a few pages were provided in July," he said.

Naidu added that information provided was incomplete for which he went in appeal. "Department provided copies that prove property tax was paid from 2004 onwards and not before it. The plots were liable for tax since 1968. I asked for information on tax paid before 2004. I am running from zone head office at Laxmi Nagar to property tax office at Shankar Nagar to property tax head office at Mahal since then," he said. There is no communication from the zone office since last two months. Naidu received copy of a letter dated September 23 from the assistant tax assessor wrote to assistant commissioner asking the latter to provide information. "I got no further communication. The officials are saying that information of property tax paid or not before 2004 could not be find out but are not ready to give it in writing which would indicate a scam," he said.

Source: The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-18/nagpur/44200785_1_property-tax-naidu-rti-act

20 NOVEMBER 2013

73) RTI Act 8 yrs old, but its website many clicks away

Wednesday, Nov 20, 2013, 9:30 IST | Place: Mumbai | Agency: DNA DNA Correspondent

Query for info on site yields stock response: Work on in full swing.

Despite the Right to Information (RTI) Act completing eight years, on October 12, 2013, a website on it, which should have been up and running when the Act came into existence, continues to be elusive.

When an applicant sought information on the status of the website, the first appellate authority ordered that the pace of work on its functioning should be improved.

The matter came up recently when RTI activist Vihar Durve filed an application seeking to know the status and details pertaining to the RTI website. Durve had filed an application on August 17, 2013 asking for information on initiatives not taken for the creation of an exclusive website to create awareness on RTI, the procedure to be followed for creating such a website and all correspondence between the general administration department (GAD) and the IT cell.

In the first reply by a public information officer (PIO), Durve was informed that a meeting, headed by the then secretary of the GAD, had taken place as early as 2011. However, not much had happened following that meeting, the PIO had said, as an agency had to be appointed by the IT department with the help of Yashada, a government organisation.

“The PIO gave a wrong response. He was passing the buck because, as per rule, GAD is the nodal agency to look after the RTI Act,” said Durve, who later went in for a first appeal.

The first appellate authority, in its order dated October 28, 2013, said the work on the site be sped up. “The website should have come into existence in 2005 itself. It is long overdue. The operative part of the RTI Act, particularly section 4 that deals with suo moto disclosure by public authorities, should be on this website,” Durve said. When dna contacted additional chief secretary of GAD PS Meena, he refused to comment and said will reply on the issue later.

The case

The matter came up recently when RTI activist Vihar Durve filed an application seeking to know the status and details pertaining to the RTI website

Durve had filed an application on August 17, 2013 asking for information on initiatives not taken for the creation of a website, the procedure to be followed for that and all correspondence between the GAD and the IT cell

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-rti-act-8-yrs-old-but-its-website-many-clicks-away-1921905>

74) 'Can't provide RTI information, it is secret'

TNN Nov 20, 2013, 05.31AM IST Rajkot

Gujarat Information Commission (GIC) has declined to oblige a Right to Information (RTI) applicant who sought information about police actions and police videography footage of a religious procession in which participants brandished swords in the city in 2010.

An RTI and animal rights activist Altaf Chichodara filed an RTI application with January, 2011, with Rajkot city police. "Participants of the religious procession used swords and other lethal instruments and this was a breach of a police notification and I therefore informed police control room about it. Later, I sought the details of the action taken and footage captured by the city police on that occasion," the scrap vendor-turned RTI activist Chichodara said. "However, the public information officer didn't provide any information and so I filed an appeal, where the authority ruled that the information sought under RTI application can not be disclosed as it is a 'secret'. So, I filed an appeal before the GIC," Chichodara said. Chief information commissioner D Rajagopalan's order ruled that GIC upheld the decision by the appeal authority (Rajkot police) and that the information cannot be disclosed. "It seems that if the information sought by RTI applicant is disclosed, the peace and harmony in the area may be disturbed and therefore the application is disposed of," the order of GIC said. Meanwhile, Chichodara wrote to Gujarat governor Dr Kamla and alleged that despite his presence at the final hearing at GIC, D Rajgopalan showed him as absent in the order. "I am an RTI activist and I have no issues with whatever order is given by GIC, but I am intrigued as to why I was shown absent despite being there," Chichodara added.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/rajkot/Cant-provide-RTI-information-it-is-secret/articleshow/26065814.cms>

21 NOVEMBER 2013

75) Punjab CMO has no info on Badal's sangat darshan programmes

PTI Chandigarh, November 21, 2013

The Chief Minister's Office (CMO) in Punjab has no information about chief minister Parkash Singh Badal's sangat darshan programmes held across the state, according to a reply given by the CMO to an RTI plea filed by the state Congress.

State Congress president Partap Singh Bajwa said in a statement here on Wednesday that RTI Cell state unit chairman RR Bhardwaj had filed an application with the CMO seeking details, including disbursal of funds, at the sangat darshan programmes of Badal.

But the reply given by the CMO said the office did not have information relating to the programmes, Bajwa said.

"Sangat darshan programmes are organised by the respective deputy commissioners in the state. Information related to these programmes is not available with the CMO," the reply stated.

It also stated that no complaint regarding the alleged misuse of grants disbursed at these programmes had been received.

The Punjab Congress chief said the party had sought information from the CMO on three matters pertaining to the programme -- what are the sources through which sangat darshan programmes are financed, what is the criteria for distribution of grants, and how does the state ensure proper utilisation of the funds, and if any complaints were received by the CMO regarding misuse of funds.

Bajwa said he was astonished to know that the CMO had no record of the sangat darshan programmes.

"In fact it was only a political gimmick to befool the people of Punjab. The grants the chief minister has been distributing for development purposes are part of the grants given by the Centre or drawn from the plan expenditure of the state." During the Congress government, the

job of distributing these grants was done by panchayat secretary level officials or block development officers.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/punjab-cmo-has-no-info-on-badal-s-sangat-darshan-programmes/article1-1153850.aspx>

76) 'Don't resort to unscheduled power cuts'

Tiruchi, November 21, 2013 Special Correspondent

The *Thenninidia Nugarvor Padukappu Sangam* criticised Tangedco for resorting to unscheduled power cuts and urged it to keep the public informed of load shedding schedule in advance.

The prolonged load shedding in the morning hours is affecting the normal life of residents and prior information would enable them to plan their day's work, a resolution adopted at a meeting of the forum held here on Tuesday said.

RTI

Another resolution said a majority of the government departments were not providing information sought by people under the Right to Information Act in time.

The State government should direct the departments to provide correct information to the applicants within the specified time limit.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/dont-resort-to-unscheduled-power-cuts/article5374605.ece>

23 NOVEMBER 2013

77) Discontent along the Yamuna

Allahabad, November 23, 2013 Omar Rashid

New power plants will improve the power situation in Uttar Pradesh but the State lacks the enterprise to negotiate with farmers on issues fundamental to their existence

On the morning of November 15, while India was engrossed in the 124th birth anniversary of Pandit Jawaharlal Nehru, hundreds of farmers in south Allahabad had assembled near the banks

of the Tons river, a tributary of the Yamuna better known for its connection with Tulsidas' ashram.

Their agenda for discussion was thorny: whether to continue their agitation (which had been going on uninterrupted for the last four years) and keep their land, or give it up for the sake of development.

After hours of peaceful discussion, the farmers unanimously decided that they would intensify their agitation in the coming days. But they also reached a consensus that they could change their mind if the State compensated them under the provisions of the newly enacted Land Acquisition, Rehabilitation and Resettlement Act 2013.

SIGNIFICANT

This was for the first time in four years that farmers in Allahabad were contemplating giving up their land for the proposed 1,980 MW Karchanna power plant, albeit with the Land Act clause. But unlike the recent *mahapanchayats* that were meticulously followed, this one passed off without a murmur in the local media.

The project was conceived in 2007 under the Bahujan Samaj Party (BSP) regime and around 2,500 *bighas* of land was acquired for it. However, it could never really kick off due to farmer protests over compensation. The Allahabad High Court stalled the project last year. And, now, with the farmers not in a position to return the compensation received by them or willing to give up their land, the project lies in a limbo.

The same afternoon, barely 20 km from Karchanna, another group of farmers was jostling with officials in an attempt to throttle progress in the acquisition of the remaining land for the 1,320 MW Meja power plant. Like in Karchanna, farmers in Meja also stipulated that the Land Act be applied before any further acquisition was done. Similar scenes were witnessed in Bara *tehsil*, where a 1,980 MW power plant is in an advanced stage. Farmers have regularly obstructed the setting up of key pipelines for the project, venting their frustration on officials and *thekedaars*.

Given the geographical proximity of these sites, the protests have, over the recent weeks, acquired a cohesion, building into a mass movement against the power plants. They assume significance given the dismal power situation in Uttar Pradesh. The three power plants — Bara, Meja and Karchanna (proposed) — will together produce a major chunk of the State's power requirement according to the 11th Plan.

The latest report of the Central Electricity Authority says Uttar Pradesh accounts for 40 per cent of India's and 60 per cent of North India's total electricity deficit. Last year, fingers were pointed at Uttar Pradesh for the northern grid failure. Most recently, the power problem provided fodder to the Opposition to mock the Samajwadi Party. The government, though, besides criticising the BSP regime for leaving behind a power debt of Rs.25,000 crore, has done nothing substantial to bring an end to these snags.

ACQUISITION AND COMPENSATION

For the farmers who will be immediately affected by the projects, the Land Act of 2013 has brought a glimmer of hope. It has given them the impetus to negotiate and insist on implementation of the Act, which offers them improved compensation, rehabilitation and security.

While the official word on the application of the Act to these projects is still unclear and a matter of "legal discussion," the farmers may not be unjustified in demanding that its provisions be applied to them. They have received poor compensation at present.

First, there is enough evidence to suggest that the right procedure of land acquisition was not followed in these cases. In some instances, compensation meant for barren land was given to acquire fertile land. The farmers were excluded from the process of land acquisition. Moreover, the urgency clause was invoked in acquiring land, but even after five years, the acquisition is not complete. Invoking the urgency clause automatically leads to the suspension of Section 5(A) of the Land Act 1894, which gives landholders the right to raise questions. The farmers, at present, do not really have a voice in these cases.

Second, there has been no financial consolation for the affected persons. Under the "rehabilitation" programme of those affected by the Meja project, in the last five years, the company has spent a paltry sum of "Rs.15,000" for the "social welfare" of the 831 affected persons in seven villages.

This sum covers essentials such as health, developmental and play facilities. The setting up of 42 hand pumps and a well, construction of roads in a "few" villages, besides providing bags and stationery for primary schoolchildren, hardly offer any consolation to the farmers. On the ground, scores of families have been made to resettle in such nondescript locations that during the monsoons they have to cross a stream by boat just to attend nature's call.

JOBS

Another issue is of jobs. Prior to the acquisition of land for the Meja project, officials held *lok adalats* and committed through newspaper ads (*Dainik Jagran*, July 21, 2009) that one member from each displaced family would get government jobs. However, on the ground, not a single person has been accommodated in the last five years. In its explanation, NTPC Limited, which is running the Meja project as a joint venture with Uttar Pradesh, has in fact gone back and stated that “it is clear that no guarantee is given about the employment of one candidate of project-affected person.”

Moreover, the project managers claim that of the 831 affected persons in Meja, 820 have received compensation or other assets under the provisions of the U.P. Land Acquisition (Determination of Compensation and Declaration of Award by Agreement) Rules 1997. However, they are yet to respond to RTI queries seeking details on rehabilitation provided under these rules.

The projects are also likely to adversely affect the riverine ecosystem in the region, which is drought-prone. In Bara, where the land is rocky and barren, much of the land acquisition has been settled after initial setbacks. However, the Nishads, the traditional fishing and boating community, have launched a fight to save the Yamuna’s waters, and have intensified their struggle over the past few weeks.

Their apprehensions are justified. The three power plants have not received a ‘No Objection Certificate’ (NOC) from the Central Water Commission.

WATER DEPLETION

Despite this, the Bara project will draw 150 cusecs of water from the Yamuna. This will hamper the livelihood options of lakhs of Nishads, who have already been compelled to alter their cultivation techniques due to the drying riverbed and illegal sand mining. The power plant will only aggravate the depletion of water in the area. There are also apprehensions of environmental damage due to the toxic waste produced by the plant: the project will burn 22,840 metric tonnes of coal and 90 tonnes of heavy oil per day, and produce 80,000 tonnes of ash per day. The project, however, has received environmental clearance.

Another issue critical to both Meja and Bara, and the inhabitants of Uttar Pradesh’s most populous district, Allahabad, is the drawal of groundwater for the projects. Ministry of

Environment and Forests guidelines clearly stipulate that “no groundwater will be extracted for the project at any given time, not even in [the] lean season.” But this is being openly flouted in these cases.

This is important in the context of depleting groundwater resources of the State. Of the 820 developmental blocks, 72 have been placed under the “over-exploited” category by the Union Ministry of Water Resources, 32 are in a critical state and 107 in a semi-critical stage, with six located in this region. Taking note of the situation, the World Bank, last year even accepted a proposal to revive drinking water projects for 104 villages in Meja.

Despite all this, the State has lacked any enterprise to initiate talks with the protesting farmers on issues fundamental to their existence. It is not surprising since power does not feature high on the poll agenda in the State. But with the new impetus received by the agitation, the State can only be pressed to deal with the issues at the earliest and avoid a Bhatta Parsaul-type of situation.

In turn, the power plants will do much good to improve Uttar Pradesh’s dismal power infrastructure and save the State further embarrassment.

Source:

The Hindu, <http://www.thehindu.com/opinion/op-ed/discontent-along-the-yamuna/article5380380.ece>

25 NOVEMBER 2013

78) GHADC denies information under RTI

Biplab Kr Dey TURA, Nov 25

The Garo Hills Autonomous District Council (GHADC) has denied information sought under the ambit of RTI, on the Transport budget for the year 2011-2012.

The refusal came as a one liner, with the GHADC Public Information Officer justifying it owing to the figure presented in the RTI not matching with the actual budget presented. However, on checking with the official budget session handbook, the numbers were found to be a perfect match!

The RTI applicant has filed a case against the PIO with the State Chief Information Commissioner. The applicant, Maxbirth G Momin, a member of AYWO, said the information they had been provided earlier too was incomplete. When they sought detailed information, the same was denied.

Maxbirth said in his complaint that, "On September 5 this year, I had sought information under RTI Act, 2005, regarding the Council official vehicles repairing expenditure and travel and tour expenditures of the CEM and other Council officials.

After 30 days, the information on Council officials vehicle repairing expenditure was furnished but the information given by the PIO of GHADC was incomplete. I sought the detailed clarification on an amount of Rs 1,31,92,700. This is the amount which was presented in the budget session of 2011-12 under Council official vehicles repairing expenditure. However, the official refused to give the information saying that the amount of Rs 1,31,92,700 was not presented in the budget session of 2011-12".

"Even the information sought on the travel expenses of the CEM and other Council officials travel and tour expenditure has not been given, though two months have passed", the complaint said.

These, he said were gross violations of the RTI Act and urged the SCIC to take immediate action against the erring officer to ensure the information is available under the public domain.

Source:

<http://www.assamtribune.com/scripts/detailsnew.asp?id=nov2613/oth07>

<http://www.rtiindia.org/forum/116841-rti-happenings-assam-ghadc-denies-information-under-rti.html>

24 NOVEMBER 2013

79) Key anti-corruption files "not traceable": govt

PTI New Delhi, November 24, 2013

Files containing details of the government's plan of reviewing its fight against graft as part of a mandatory obligation under the United Nations Convention against Corruption (UNCAC) are "not presently traceable".

Replying to an RTI query, the Department of Personnel and Training (DoPT), which acts as the nodal authority for anti-graft matters, said the files related to UNCAC were not traceable. "It is informed that the implementation section has been constituted only recently and the complete set of the relevant files are in the process of being organised.

"The files relating to your subject of request are not presently traceable in the section. However, efforts are being made to locate the files," DoPT said in its reply to an RTI query. "As and when the said files become physically available, the complete reply to your request on the aforesaid point will be furnished. The delay and inconvenience caused is regretted," DoPT said in its reply dated November 11.

DoPT was asked to provide details as to the government's plan of conducting a self-evaluation study to assess the implementation of the UN convention.

UNCAC, which acts as a universal legal instrument to globally deal with the menace of corruption, was ratified by India on May 9, 2011.

India is slated for a review in the ongoing fiscal 2013-14 by government experts from two other member countries who are signatories to UNCAC.

DoPT had in May last year floated a Request for Proposal (RFP) for the holding of a self-evaluation study by independent experts on India's compliance with UNCAC.

However, in October, it had decided to "close" the proposal for the holding of the study for want of a minimum of three qualifying applicants. DoPT had again in January this year decided to conduct the study and had issued a fresh RFP for the same.

But the second attempt, too, drew no takers who fulfilled the eligibility criteria mentioned in the RFP. DoPT thereafter again cancelled the proposal.

The UN convention requires the parties to it to provide measures, legal and administrative, for prevention of corruption; for treating certain acts relating to corruption as criminal offences and providing for sanctions against them and for facilitating recovery of assets in trans-border corruption.

Besides, it calls for promoting the widest possible international cooperation in combating trans-border corruption through measures facilitating mutual legal assistance, extradition and joint investigation.

India is among 164 nations which have either ratified or acceded to the UNCAC provisions.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/key-anti-corruption-files-not-traceable-govt/article1-1155152.aspx>

Also Available At:

<http://www.deccanherald.com/content/370856/key-anti-graft-case-files.html>

<http://www.rtiindia.org/forum/116816-rti-happenings-new-delhi-key-anti-corruption-files-not-traceable-govt.html>

<http://timesofindia.indiatimes.com/india/Key-anti-corruption-files-not-traceable-Govt/articleshow/26332807.cms>

http://www.business-standard.com/article/politics/key-anti-corruption-files-not-traceable-govt-113112400190_1.html

25 NOVEMBER 2013

80) Memorandum not delivered, activist demands damages

Vishal Joshi, Hindustan Times Panipat, November 25, 2013

A Right to Information (RTI) activist has demanded compensation from the local district administration for non-deliverance of a memorandum containing “public issues” to the original addressees.

The activist, PP Kapoor, has also demanded a strict action against the “erring bureaucrats” given the duty of effective execution of the RTI.

Alleging that the memorandum submitted publicly to the local sub-divisional magistrate (SDM) on October 12 at the mini-secretariat last year was addressed to the President, Haryana governor and the chief information commissioner (CIC), Haryana.

While the communiqué never reached the CIC, the district administration is not ready to disclose any information in this regard to the activist.

Now, pained at the alleged indifferent attitude of the district authorities, Kapoor has approached the state information commission (SIC) demanding damages from the deputy commissioner (DC) and the city magistrate (CTM).

On the anniversary of the RTI Day observed on October 12, a resident of Samalkha town, near here, Kapoor and his associates had submitted a 14-point memorandum to SDM Ashwani Malik, suggesting improvement to ensure an effective implementation of the RTI Act in the state.

The activists had demanded to lower the RTI fee to Rs. 10 per petition, introducing video conferencing at the time of hearing public appeals, inclusion of the RTI in the school syllabus, besides other requests.

However, when Kapoor wrote to the CIC on June 10 this year to learn what actions had the commission taken on the issues raised by the activist, he was intimated that no such letter was forwarded to the commission's office in Chandigarh by the Panipat administration.

Kapoor filed an RTI petition on August 9 to the CTM, who is also the state information officer (SPIO) of the local DC office, and demanded complete details of the memorandum submitted, including the date of dispatch, diary number, receipt of postal dispatch etc.

As he received no reply, Kapoor submitted an appeal to the Panipat DC-cum-first appellate authority (FAA), on September 14 but the matter was not heard.

Finally, Kapoor approached the CIC office on October 24 against the SPIO and FAA of the Panipat district administration, demanding a penalty of Rs. 25,000 on both public officers and demanded a compensation of Rs. 10,000.

Kapoor told Hindustan Times here on Sunday that the matter showed how the bureaucracy handled a democratic exercise of submitting memoranda by the individual or civil society to the authorities for their public concerns and demands.

He said as the SPIO and FAA had not responded to his petitions, it seemed that the administration had trashed the memorandum.

“Non-delivery of charters of demands to the addressees holding higher public offices amounts to cheating residents by the public officers. At the time of submitting the memorandum, we were sure that the commission would consider the issues taken up in the public interest. But, the administration has dishonoured the public sentiment,” Kapoor alleged.

Meanwhile, accepting Kapoor's petition, the CIC has demanded written submission by the DC-cum-FAA and the CTM-cum-SPIO in this case by December 2.

Besides, both the officials have to appear before SIC PS Meena on December 11 personally or through a gazetted rank officer.

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/memorandum-not-delivered-activist-demands-damages/article1-1155405.aspx>

26 NOVEMBER 2013

81) Administration passing buck on non-delivery of memorandum submitted

Vishal Joshi, Hindustan Times Panipat, November 26, 2013

The local city magistrate (CTM)-cum-state public information officer (SPIO) is passing the buck on non-delivery of a memorandum submitted by a group of activists in 2012 in the name of officials holding higher public offices.

The Right to Information (RTI) activist from Samalkha town of the district, PP Kapoor, had submitted a memorandum to the sub-divisional magistrate (SDM) on October 12 last year.

But even after a year, a 14-point public charter of demand has failed to reach to one of its addressees- the chief information commissioner (CIC).

In a brief press note issued by the district administration on Monday evening claimed that the CTM-cum-

SPIO had submitted a detailed reply to Kapoor's questionnaire on October 14.

It further said that following the official procedure, Kapoor's memorandum was forwarded to the office of commissioner, Rohtak division for further action.

Kapoor, who has demanded compensation from the local district administration for non-deliverance of a memorandum containing “public issues” to the original addressees, has disputed the official claim.

“Even after a year the letter handed over officially to the administration has not reached to the office and the CTM-cum-SPIO is now trying to wash off his hands from the distasteful goof up in the guise of official procedure,” alleges Kapoor.

Activists had submitted a memorandum with suggestions of effective implementation of RTI Act in the state. The message was meant for the President, governor and CIC, Haryana.

In June 2013, Kapoor filed a RTI petition to the CIC to know what steps were taken by the commission on their suggestion.

However, the CIC clarified that it did not receive the letter on the issues raised by the Panipat administration.

Kapoor approached the CTM-cum-SPIO through the RTI route and asked for details on when the memorandum to the addressees was sent including the diary number, date and receipts of postal dispatch. After he got no response, Kapoor filed an appeal with the Panipat deputy commissioner-cum-first appellate authority (FAA) on September 14. “But the FAA neither sent me any notice nor did it hear my appeal. Instead of replying why the memorandum submitted to the SDM had not reached to the addressees (read CIC); the CTM-cum-SPIO is trying to shift blame from his office by saying that the letter was forwarded to the commissioner's office.

There is no word on why the memorandum did not reach to the CIC and the FAA is silent on my RTI appeal against CTM-cum-SPIO,” Kapoor said. Sources said a memorandum is first sent to the divisional commissioner which is then forwarded to the officer of financial commissioner revenue at Chandigarh.

The memorandums are then sent to the office of chief secretary and then these are finally delivered to the addressees.

“The bureaucratic system defeats the purpose of raising any public issue. In this case, our joint effort of suggesting ways of strengthening RTI is diluted due to the bureaucratic hurdles,” added Kapoor.

He said it was a normal practice where the district officials urge the public to hand over their charters or problems, suggestions and demands to them which would be duly forwarded to the authorities concerned.

“The memorandum was meant for the CIC whereas the authorities sent it to the Rohtak divisional commissioner. I wonder if the system has any accountability of the bureaucracy in such cases,” Kapoor said.

Meanwhile, accepting Kapoor's petition, the CIC has demanded written submission by the DC-cum-FAA and the CTM-cum-SPIO in this case by December 2. Besides, both the officials have to appear before SIC PS Meena on December 11 personally or through a gazetted officer.

Source:

The Hindustan Times, <http://www.hindustantimes.com/India-news/Haryana/Administration-passing-buck-on-non-delivery-of-memorandum-submitted/Article1-1155959.aspx>

27 NOVEMBER 2013

82) Man asked to pay Rs. 1.34 cr to access land deal records under RTI

Dev Raj, Hindustan Times Patna, November 27, 2013

Shiv Prakash Rai had almost fainted after being asked to pay Rs. 1.34 crore to access some documents under the Right to Information (RTI) Act. The dumbstruck 54-year-old RTI activist could not understand why he should pay such a hefty amount to lay his hands on dossiers on the activities of land sharks in Bihar's Begusarai district.

"I almost fainted. According to the RTI Act, 2005, Rs. 10 is to be charged as inspection fee for the first hour. After that, it comes down to Rs. 5 per hour."

Rai had filed an RTI application with the inspector general of the revenue department, Bihar, about a year ago. His aim was to learn how the mafia were buying agriculture land near cities and converting them into commercial complexes.

"I got information from 16 districts, but the Begusarai registration office asked me to deposit Rs. 1.34 crore to scan the documents.

"Sushil Kumar Suman, the public information officer at the Begusarai office, said I could get copies of the documents only after depositing the required fee," Rai said.

According to the RTI activist, it was a strategy adopted by corrupt officials and land sharks to thwart his efforts. Besides, the Begusarai office has asked the activist to pay Rs. 2,338 for another piece of information on his query, while others have provided the information free of cost.

Agricultural land is valued at a much lesser price than a commercial plot by the Bihar government.

The state registration department has suffered a revenue loss of Rs. 527.25 crore between 2007-08 and 2011-12, an internal review reveals, hinting at possible anomalies.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/man-asked-to-pay-rs-1-34-cr-to-access-land-deal-records-under-rti/article1-1156416.aspx>

Also Available At:

<http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/bihar-rti-activist-told-to-pay-rs134-crore/article5403499.ece>

<http://www.deccanherald.com/content/371541/bihar-rti-activist-told-cough.html>

<http://indiatoday.intoday.in/story/bihar-rti-activist-shiv-prakash-rai-land-registration/1/326970.html>

83) Unholy nexus keeps RTI pleas in abeyance

11/27/2013 10:53:51 PM Early Times Report Rajouri, Nov 27

Corrupt officials having an unholy nexus with higher authorities and 'babus 'in the office of State Information Officer (SIO) have made the mockery of RTI Act in district Rajouri as RTI activists despite all the legal formalities yet are waiting for information from various department for the last two years lamented some RTI activists.

Citing examples they said that one Nazir Hussian RTI activist has moved an application in June ,2012 under postal order No68G-443992 dt 1/6/2012 in the office of social welfare office at Thanamandi to get some information about the utilizations of government funds. "Till today he hadn't received any response from the concerned office despite the fact the matter was also taken up with district social welfare officer (DSWO), they said.

Buck didn't stop here as in a similar case another RTI activist Jawaid Hussain pinpointed that he had approached the DSWO,Rajouri under proper receipt of his application applied along with postal order No68G-443222 to get some information from him. He alleged that after a wait of one month he then approached district programme officer(DPO), appellant authority vide receipt No RTI/POR/ICD/824-25 dt 25/8/12. But DSWO didn't respond despite the directions from DPO.

"The applicant then approached the director social welfare (DSW) vide an application under speed post NoEE81521 dt 28/9/12 and also handed over a copy to DSW personally, he said.

"Director Social Welfare also proved to be hand in gloves with the corrupt officials of district social welfare office as didn't bothered to provide information about the misuse of government funds worth crores of rupees and preferring to save the corrupt officials" said Jawaid Hussain. Jawaid also added that he had also approached State Information Commission (SIC) to get some relief but it seems that he is also not bothered about the gross violation of RTI act in district Rajouri.

Meanwhile Rajinder Mehta and Amir Mir , spokesman and secretary, JK Pahari People Movement (JKPPM) also have alleged that several RTIs were moved to get information about the mismanagement and misuse of government funds by the ex-warden Pahari hostel ,Rajouri Baboo Khan were moved. "But till his retirement on October, 30 no action was taken against him by the government despite the fact that Chief Minister himself is Chairman Pahari Advisory Board (PAB)" said Rajinder and Mir.

Source:

<http://earlytimesnews.com/newsdet.aspx?q=118306>

84) RTI applicant decries 2013 CLAT's record-burning by 30 November

Wednesday, 27 November 2013, 17:56 Pre-law student

An NLU Delhi student has objected to the Common Law Admission Test (CLAT) committee's recent notice stating that all records of the CLAT 2013 will be destroyed by 30 November 2013.

A 17 October notification on the CLAT's website stated:

“As resolved in the concluding meeting of the CLAT-2013 Core Committee held on 17th September 2013, all documents pertaining to CLAT-2013 will be destroyed/ disposed off [sic] six months after the date of publication of CLAT-2013 result. In other words, the organizing university for CLAT 2013 (i.e. HNLU, Raipur) will not be able to share any information pertaining to CLAT-2013 after 30th November 2013.”

Lakshya Gupta, a second-year NLU Delhi student said: “I haven't seen any public authority issue such a notice. They should give at least six months' notice [before destroying all records], and not just decide today that six months after the exam the records will be destroyed. That just gives you one month to get the information you want. This is really short notice, it is really unfair.”

Gupta had filed a right to information (RTI) request dated 7 October, and a first appeal dated 20 November on his RTI, requesting for question papers and answer keys for CLAT 2008 – 2013 and for information on the regional and other demographic of CLAT applicants in those years.

He told *Legally India* that “an exam which is an entrance exam in law should be of equal opportunity for all applicants”. He said that he filed the RTI to use the information to assess whether the type of questions that make up the CLAT favour any class of applicants more.

There has been no response on his RTI or on the first appeal yet. Both were filed to CLAT 2013 convenor HNLU Raipur.

HNLU’s vice chancellor Prof Sukh Pal Singh told *Legally India* that the law school has answered all RTI requests it had received for CLAT 2013, and that any RTI for information on the previous editions of CLAT should be addressed to the previous years’ convenors.

“There is no motivation behind [destroying CLAT documents]. It is a practice which was also followed last year. We cannot keep all the records forever,” added Singh.

CLAT has been through several bumps around its implementation each year, with errors in question papers, university allotment lists, and quota-based rankings. CLAT 2014 is scheduled for May and will be convened by GNLU Gandhinagar.

Source:

Legally India, <http://www.legallyindia.com/201311274141/Pre-law-student/rti-applicant-decries-clat-record-burning>

28 NOVEMBER 2013

85) NHA I too blocks inspection of files under Section 4 of RTI Act

Vinita Deshmukh | 28/11/2013 11:40 Am

Though information was procured instantly from NHA I regarding action after the Neera River deaths, the officer insisted on writing an application under Section 6 of the RTI Act

The unique part of Nav Bharat Nagarik Manch’s agitation on Wednesday morning was inspection of files under Section 4 of the Right to Information (RTI) Act. Nav Bharat Nagarik Manch held a demonstration in front of the NHA I office before procuring documents under RTI. Nav Bharat members DVR Rao, Commander Ravindra Pathak (retd), Raja Narsimhan, Mahesh Tele, Omkar Virkar, Dhananjay Oval, Akash Jadhav, Mrs Sonawane, Hrushikesh Patankar and Prashant Salunke held the demonstrations.

We wanted to procure following documents after the horrendous Neera River bridge tragedy of 2nd November, which killed four young ad professionals from Pune after their car plunged into the river in the absence of a crash barrier at the tip of the bridge:

1. *Correspondence between NHAI and Reliance Infra (or whatever are the names of the sub contractors) regarding action on the repair of the Neera River bridge after submission of the Inspection Report of Neera Tragedy by your Safety Consultants, sometime last week*
2. *Correspondence between NHAI, Pune and the central authority of NHAI/Union Ministry of surface, road and transport, regarding repair of the Neera Bridge to make it safe, post the November 2 tragedy.*
3. *Correspondence of the last one year, from NHAI Pune office to Reliance Infra pertaining to the condition of the highway road constructed by Reliance Infra in the 300 km odd Maharashtra portion of the stretch of the Mumbai-Bangalore highway*
4. *Photographs taken out by NHAI regarding the condition of the Maharashtra stretch of the Mumbai-Bangalore stretch which is under operation, maintenance and security of Reliance Infra*
5. *Documents pertaining to action taken by NHAI against Reliance Infra in the past one year for shoddy work.*
6. *Unlike Section 6 of the RTI Act, where you need to write a formal application and pay Rs10 in cash or through IPO for a central government office, no formal application is required to inspect files under Section 4.*
7. *Yet, this writer sent a previous intimation to Rajesh Kaundal, Project Director, NHAI stating: "I wish to bring to your notice that a citizen desiring to inspect the documents containing information covered under Section 4 of the Right to Information Act, 2005, need not make any formal requisition under Section 6 of the Act because these documents should have already been published by the public authority so that citizens have 'minimum resort to the use of this Act to obtain information'"*
8. *The contract given to Reliance Infra is clearly covered under 'permits and authorisations' and hence is covered under Section 4. I intend to exercise my right as a citizen to inspect these documents in your office with my colleagues during our peaceful protest today at your office between 11 am and 1 p m. Please note that it is not necessary for me under the Act to give*

such notice before inspection of documents covered under Section 4 of the Act. However, being a responsible citizen, I thought it appropriate to intimate you beforehand.’’

Despite this, Mr Kaundal replied to my email request stating: “Section 4 (1)(b) is designed to ensure that public authorities disclose certain information which are important to the public voluntarily at every level of operation. Please log on to www.nhai.org for the information published by NHAI.”

“For any other information requested in specific, it is requested to submit application to PIO with requisite fee so that the same can be made available to you within the stipulated time period including inspection of the documents for extraction of the information if required by you. In case of any difference of opinion, it is requested to contact CPIO on the following address:- **VS Darbari, GM (Coord) & CPIO**, National Highways Authority of India, No.G-5 & 6, Sector – 10, Dwarka, New Delhi – 110 075. Contact No.011-25074100 (Extn : 1520). Email: vsdarbari@nhai.org.’’

The writer wrote back stating: “The information I have asked for comes under Section 4 of the RTI Act. However, it is not put up on your website, as far as I searched. In the absence, of you not having uploaded it in the public domain, that is uploaded on www.nhai.org, I, as a citizen, is allowed physical inspection of files in your office.’’

However, no amount of explanation convinced Mr Kaundal, when this writer met him in the office. He insisted that I file an application under Section 6 of the RTI Act and he has no problem about providing me information immediately. Since he assured me of immediate inspection of files, I relented. However, I am filing a complaint to the Information commissioner today, for not providing me information under Section 4.

It is so exasperating that, even after seven years of the implementation of the RTI Act, neither do most public authorities *suo motu* upload information under Section 4 on their respective websites and hesitate to allow physical inspection of files by citizens.

Amongst the several documents I procured, the following one is very worrying, as the contractor now says all major bridges from Dehu Road to Satara need crash barriers for safety but insists that the NHAI must pay for the repairs. And therein lies the ping-pong game of NHAI Pune sending this request to the Delhi office.

The details are as follows:

PS Toll Roads Pvt Ltd, the subsidiary agency of Reliance Infra has sent a letter to Project Director, NHAI on 25th November, stating that raising and strengthening of the Median wall (wall in between the two bridges) to the height of the crash barrier, is required for all the six major bridges between Dehu Road and Satara and not only for the Neera River bridge. This was revealed through the documents procured under RTI Act by Vinita Deshmukh and other members of Nav Bharat Nagarik Manch, from the NHAI office at Warje.

The major bridges which need urgent repairs, in the light of the terrible tragedy of 2nd November, where four ad professionals died, have been identified by the contractor as Pawana Bridge, Mula Bridge, Mutha Bridge, Krishna River Bridge, Venna River Bridge and Neera River Bridge. Repairs have also been recommended for a series of culverts and small bridges.

The letter written by Nagendra Rai, officer of the PS Toll Roads Pvt Ltd to Mr Kaundal, admits that all the major bridges and some of the culverts are 'unsafe' for commuters. The letter states, "you are aware that gap between all existing minor/major bridges and slab culvert is not properly closed by cras barrier or extending medial wall up to the level of crash barrier and same is leading to unsafe situation for the traffic."

Nav Bharat Nagarik Manch is shocked that there is no urgency shown regarding the repair of the Neera Bridge despite the most horrendous tragedy earlier this month.

Instead, the NHAI Pune has washed its hands up stating that such a decision can be taken only by the Delhi office of NHAI. The reason being the statement in the letter in which Rai states, "As per schedule B of Concession Agreement, no scope is defined for improvement/strengthening of the median walls for all existing major/minor bridges and slab culverts."

This in effect means, that the Reliance Infra's subsidiary agency, PS Toll Roads Pvt Ltd, is asking NHAI to provide the funds. NHAI Pune in turn says they are not the authority and so the letter has been sent to Delhi.

In the end, Nav Bharat Nagarik Manch is appalled that the final victims are citizens. It has begun the process of procuring documents under RTI to file a public interest litigation (PIL).

(Vinita Deshmukh is the consulting editor of *Moneylife*, an RTI activist and convener of the Pune Metro Jagruti Abhiyaan. She is the recipient of prestigious awards like the Statesman Award for Rural Reporting which she won twice in 1998 and 2005 and the Chameli Devi Jain award for outstanding media person for her investigation series on Dow Chemicals. She co-

authored the book “*To The Last Bullet - The Inspiring Story of A Braveheart - Ashok Kamte*” with Vinita Kamte and is the author of “*The Mighty Fall*”.)

Source:

<http://www.moneylife.in/article/nhai-too-blocks-inspection-of-files-under-section-4-of-rti-act/35445.html>

86) BMC calls activist to 10 offices the same day over single RTI query

Thursday, Nov 28, 2013, 8:35 IST | Place: Mumbai | Agency: DNA

A classic case of efforts by Brihanmumbai Municipal Corporation (BMC) officials to dissuade citizens from seeking details under the Right To Information (RTI) Act has come to light.

On September 3, Aftab Siddique (48), prominent activist from Khar, sent an RTI request to the municipal commissioner, seeking information about the number of Ganpati mandal permissions this year.

The commissioner’s office replied on September 10, directing her to apply to the deputy commissioner (removal encroachment) and deputy commissioner Zone II.

Accordingly, she appealed to both the deputy commissioners. The deputy commissioner (removal of encroachment) Anand Wagralkar informed her on November 8 that, as per a circular issued by the BMC, the information can be had only from the deputy commissioner Zone II, Kishore Kshirsagar.

Kshirsagar is the nodal officer for all matters related to Ganesh mandals.

Instead of collating the necessary information from the ward officers and providing it to Siddique, Kshirsagar gave copies of her application to all the 24 ward officers of Greater Mumbai. Siddique was shocked when 10 of the ward officers called her the same day -- on November 27.

“How am I supposed to be present at 10 ward offices the same day? This is nothing but an effort to sabotage my RTI,” she told **dna** on Wednesday.

“Kshirsagar has failed in his duty to obtain the information and pass it on to me,” she added.

Kshirsagar was unavailable for comment. His office said he was busy on a tour of the wards in zone II. Siddique said she wanted the information since several illegal Ganesh pandals were put up.

Noted RTI activist Anil Galgali said this was nothing but sheer harassment of honest citizens by the BMC.

“The spirit of the RTI Act is destroyed by such hostile attitude. Even though Kshirsagar may not be the primary Public Information Officer (PIO) under the law, he could have easily parted with the information, which must have been with him in his capacity as the nodal officer for Ganesh mandals,” he observed.

“The problem is that assistant engineers at the ward level have been made PIOs and the first appellate authority is the executive engineer. Ideally, the ward officer should be the PIO and the first appellate authority should be the deputy commissioner. But the Act has been made a mockery by a series of GRs, which have gone unchallenged,” he added.

Another activist said BMC officials often call RTI applicants to their office and dump a pile of files before them and will ask the applicants to ferret out whatever information they want. This is clearly illegal because it is the job of the PIO to collect the information and pass on to the applicants.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-bmc-calls-activist-to-10-offices-the-same-day-over-single-rti-query-1926036>

87) 'Enforce RTI Act strictly'

TNN | Nov 28, 2013, 03.24 am Ist Visakhapatnam

The Human Rights Council has informed the department of personnel and training (DoPT) that public authorities in various government organisations have failed to comply with the guidelines related to the implementation of the Right to Information Act (RTI). HRC has urged the department of personnel and training to issue instructions to departments to complete the task within six months and call for the action taken report (ATR) from various government organisations.

In a release, HRC secretary M Shyamprasad said that all public authorities should proactively disclose RTI applications and appeals received and their responses on the websites maintained by the organizations, with search facility based on key words. As per the guidelines issued by the DoPT, he said that orders of the public authority should be uploaded immediately after they have been issued.

Also, websites should have a detailed directory of key contacts, officials of public authority and in the event of altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language so that people easily understand. Shyamprasad said that most of the public authorities have failed to comply with the guidelines even as the time limit of six months for compliance has expired.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/visakhapatnam/Enforce-RTI-Act-strictly/articleshow/26489844.cms>

30 NOVEMBER 2013

88) APMC spends Rs 75L to entertain over four years

Sanjeev Shivadekar, TNN | Nov 30, 2013, 05.02 AM IST Navi Mumbai

Navi Mumbai-based Agricultural Produce Marketing Committee (APMC) may lack basic infrastructure and funds to upgrade its amenities but it has managed to spend lakhs on refreshments and functions over the past four years.

The committee has spent a whopping Rs 74.80 lakh to offer tea, snacks, meals and organize events or functions in four years, from January 2009 to December 2012. This was revealed through Right To Information (RTI) Act, sought by Mahadev Raut.

Even traders are surprised with the huge spending over organizing programmes or providing refreshments to the market committee members and guests.

"The committee should curb such expenditures and focus on spending funds to improve market infrastructure like drainage, drinking water, security arrangements and other basic facilities for truck drivers, helpers, traders and visitors coming to the market," said one of the traders, on condition of anonymity.

Raut has demanded that the state government should appoint an independent agency to inquire about the expenses. "Unnecessary expenditure by the market committee members should be recovered from the erring members," he said.

While there was no response from the secretary of the APMC, a section of people close to the market committee are trying to justify the expenses.

"Running APMC is a big affair. Hence the cost incurred in functioning should not come as a surprise to anyone," said one of the traders.

However, even marketing department officials from Mantralaya are of the opinion that a thorough probe should be initiated over the spending issue.

"Probe would help ascertain whether there was really any need for spending such a huge amount or if it is an unnecessary waste of money by the committee members," the officials said.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/navi-mumbai/APMC-spends-Rs-75L-to-entertain-over-four-years/articleshow/26601980.cms>

89) Vindyachal fire spreads far and wide; sparks fly around

November 30, 2013 03:58:34 AM | By Our Staff Reporter Bhopal

Cong expects more such incidents in govt offices before counting

Attempt to destroy evidence of scams, claims RTI petitioner

Indore: The Congress has expressed the apprehension the BJP government could set some more government offices afire before counting of votes to destroy evidence relating to corruption. It said Thursday's incident was the second in the series.

MPCC vice president (organisation) Rameshwar Nikhra said similar incident happened on the day of voting at Mantralaya where official record was destroyed and fire at panchayat and rural development office at Vindhyanchal Bhavan is the second such incident.

"If such incidents are not checked, fire could destroy records at other office before the day of counting December 8," Nikhra said. Leader of opposition Ajay Singh said the government could destroy record at mining corporation's office.

Singh said he had raised the issue of allocation of fund provided by the Centre under 13th finance commission report and purchase of computers without tenders before promulgation of the model code of conduct, in the charge- sheet issued against the BJP government.

The record in this regard was destroyed in the fire, he claimed. Meanwhile, RTI activist Ajay Dubey also claimed that the incident of fire at the office of development commissioner was a deliberate attempt to destroy the documents pertaining to scams related to MGNREGA, mid- day meal scheme and Prime Minister Rural Road Scheme and aimed at saving the corrupt.

In a press release he said that the High Court, hearing a petition, on Friday, issued notices to the state government, CBI and the CAG to file their reply in alleged misuse of performance grant and flouting the directives of the Finance Commission.

The double bench of Chief Justice Ajay Manikrao Khanvilkar and Justice Ajit Singh issued the notices. The next hearing in the case is on January 15. Dubey claimed that Chief Minister Shivraj Singh Chauhan had directed in May, 2013 to spend performance grant of Rs 700 crore to fulfill his poll promises, which was a gross violation of constitutional provisions.

Dubey said that the said grant is given directly to Panchayat institutions and it could not be diverted without their consent.

ACS rubbishes charges; says record safe

The Panchayats and rural development department ACS Aruna Sharma rubbished the charge that records related with government schemes were deliberately destroyed. The officer said, “Those who are making such allegations do not know that most of correspondence take place in government office electronically and record can be restored.” Talking with media persons at the site, the additional chief secretary said the fire erupted in the D- II section of the development commissioner’s office – the coordinating one – and the department already has different offices for different major schemes like MNREGA at other locations. The officer said some records related with budget allocations was destroyed but it will be taken from computers. Six member teams will work out in four ways to get the records restored.

Sharma also said no ongoing programme would affect because of the incident. Cash box was kept there but no amount was kept in it. Sharma said, ACRs which were damaged will be remade from endorsement charts, prepared for the DPCs at present. The ACS said the department would

strengthen fire alarming system in the building having different a lot of cables since it was constructed. The department will also promote e- file system.

Source:

<http://freepressjournal.in/vindyachal-fire-spreads-far-and-wide-sparks-fly-around/>

Reports of Court Judgements relating to RTI

01 NOVEMBER 2013

90) Oral instructions undermine accountability: Supreme Court

New Delhi, November 1, 2013 J. Venkatesan

Civil servants can act on them in exceptional circumstances but written confirmation must be obtained

Civil servants must refrain from acting on oral instructions of political bosses, except in certain exceptional circumstances, the Supreme Court made it clear on Thursday.

The judgement, on a public interest writ petition by 83 persons, comes on the heels of controversies surrounding action against Ashok Khemka, IAS officer of the Haryana cadre, over the DLF-Robert Vadra land deal, and Durga Sakhti Nagpal, U.P. cadre IAS officer, for alleged misconduct.

A Bench of Justices K.S. Radhakrishnan and Pinaki Chandra Ghose referred to the recommendations of the Hota Committee (2004) and the Santhanam Committee report, which highlighted “the necessity of recording instructions and directions by public servants.”

The Bench said: “We notice that much of the deterioration of the standards of probity and accountability with the civil servants is due to the political influence of persons purporting to represent those who are in authority. The Santhanam Committee on Prevention of Corruption, 1962 has recommended that there should be a system of keeping some sort of records in such situations. Rule 3(3) (iii) of the All India Service Rules specifically requires that all orders from superior officers shall ordinarily be in writing.”

It added, “Where in exceptional circumstances, action has to be taken on the basis of oral directions, it is mandatory for the officer superior to confirm the same in writing. The civil servant, who has received such information, in turn, is required to seek confirmation of the directions in writing as early as possible and it is the duty of the officer superior to confirm the direction in writing.”

The Bench said: “There must be some records to demonstrate how the civil servant has acted, if the decision is not his, but if he is acting on oral directions, instructions, he should record such directions in the file. If the civil servant is acting on oral directions or dictation of anybody, he

will be taking a risk, because he cannot later take the stand the decision was in fact not his own. Recording of instructions, directions is, therefore, necessary for fixing responsibility and ensuring accountability in the functioning of civil servants and to uphold institutional integrity.” Pointing out that “democracy requires an informed citizenry and transparency of information,” the Bench said: “Oral and verbal instructions, if not recorded, could not be provided [to citizens]. By acting on oral directions, not recording the same, the rights guaranteed to the citizens under the RTI Act could be defeated. The practice of giving oral directions/instructions by the administrative superiors, political executive etc, would defeat the object and purpose of RTI Act and would give room for favouritism and corruption.”

The Bench, therefore, directed all State Governments and Union Territories to issue in three months directions like Rule 3(3) (iii) of the All India Services (Conduct) Rules, 1968. The petitioners said weak governance manifesting in poor service delivery, excessive regulation, whimsical interventions for personal benefit, wasteful public expenditure, inadequate transparency and lack of accountability had reduced effectiveness of government policies and impinged on development.

They submitted that lack of good governance affected the quality of life and violated the guarantees provided under Article 21 (right to life and liberty) of the Constitution.

Source:

The Hindu, <http://www.thehindu.com/news/national/oral-instructions-undermine-accountability-supreme-court/article5302069.ece>

Also Available At:

<http://timesofindia.indiatimes.com/india/Shield-for-bureaucrats-SC-fixes-tenure-bans-oral-orders-from-politicians/articleshow/25014621.cms>

<http://timesofindia.indiatimes.com/india/SC-verdict-will-boost-morale-of-bureaucrats-ex-Cabinet-secretary-TSR-Subramanian-says/articleshow/25017456.cms>

10 NOVEMBER 2013

91) Decide RTI complaints on merit: Delhi HC to CIC

New Delhi, November 10, 2013 PTI

The CIC cannot leave the disposal of complaint filed by an RTI applicant on the public authority as it is obligatory for the panel to decide on merit of the plea, Delhi High Court has held.

Hearing a complaint filed by an activist, Justice V.K. Jain said it was obligatory for the Central Information Commission to decide a complaint on its merit instead of simply directing the Central Public Information Officer (CPIO) to provide information which the complainant had sought.

Activist R.K. Jain had alleged that some information commissioners in the CIC were deciding complaints under section 18 of the RTI in a summary fashion and sending it back to CPIOs concerned, directing them to disclose information.

Under the RTI, there are two separate sections for filing of complaint in case no information or incomplete information has been provided in 30 days mandatory period and a second appeal can be filed for disclosure of information.

In section 18, CIC can initiate penalty proceedings, carry on inquiry but cannot order disclosure of information, according to Supreme Court directives which said disclosure of information can only be ordered through second appeal route under section 19.

In one such complaint filed by R.K. Jain, the CIC adapted the same procedure and issued notice to CPIO of the public authority directing to disclose information.

The activist approached High Court saying he only wanted penalty proceeding against the CPIO for non disclosure of the information as per the directions of the Supreme Court.

The Commission, however, had ruled, "In order to avoid multiple proceedings under sections 18 and 19 of the RTI Act, viz., complaints and appeals, this case is remitted to CPIO, Customs Excise & Service Tax, Appellate Tribunal, New Delhi.

Hearing the matter, Justice Jain said: "Section 18 of the Act, to the extent it is relevant, provides that it shall be the duty of the Commission to receive and enquire into a complaint from any person who has been refused access to any information requested under the Act or who has not been given a response to a request for information or access to information within the time limits specified under the Act."

“It is, therefore, obligatory for the Commission to decide such a complaint on merit instead of simply directing the CPIO to provide information which the complainant had sought,” Justice Jain held.

Source:

The Hindu, <http://www.thehindu.com/news/cities/Delhi/decide-rti-complaints-on-merit-delhi-hc-to-cic/article5335330.ece>

Also Available At:

<http://www.indianexpress.com/news/delhi-high-court-orders-cic-to-decide-rti-complaints-on-merit/1193194/0>

<http://www.hindustantimes.com/India-news/NewDelhi/CIC-giving-time-to-PIO-to-provide-information-violation-of-law-says-Delhi-HC/Article1-1149463.aspx>

<http://timesofindia.indiatimes.com/india/Delhi-HC-to-CIC-Decide-RTI-complaints-on-merit/articleshow/25555587.cms>

20 NOVEMBER 2013

92) Get info under RTI without revealing your identity

Deepak Prahladka, Hindustan Times Kolkata, November 20, 2013

In a move to protect whistle-blowers in the country, a division bench of the Calcutta High Court on Wednesday ruled that a petition under the Right to Information (RTI) Act can be made by using only a post box number without giving the name and address.

The ruling was aimed at protecting applicants or RTI activists from attack or harassment by persons who do not want information about their activities to be disclosed.

Acting chief justice Ashim Kumar Banerjee and justice Debansu Basak passed the order on a public interest litigation (PIL) filed by Avishek Goenka, challenging the rejection of his RTI application made to a central government department by using his post box number to protect his identity.

Goenka had applied under the RTI Act by using his post box number, but his application was rejected on the ground that he had not disclosed his identity by mentioning his address.

According to estimates, during the last six years, about 150 RTI activists had become victims for seeking information by giving their names and addresses:

Attacks against RTI activists

Killed	24
Assaulted	52
Harassed	74

Moving the petition, Goenka argued that a person has the right to apply for obtaining information under the RTI Act by using post box to protect his life.

“RTI activists are vulnerable human rights defenders in India. They often act alone, moved by anger at corruption and other illegal activities of public authorities and political leaders who do not want information about their activities to be disclosed,” Goenka said.

“RTI activists receive media attention only when killed or seriously injured. When complaints are made by RTI activists, law enforcement personnel (who often work with corrupt officials) do not take appropriate action. Therefore, such activists should not have been identified and their lives could have been protected if they were allowed to apply under the RTI Act by using post box number,” Goenka said.

Protection of RTI activists was also raised in Parliament several times during 2010. The Bombay High Court, when hearing the case of the murder of RTI activist Satish Shetty in Maharashtra on 7 May 2010, ordered the state to provide police protection to any person complaining of threats or the use of force after filing RTI application.

The order of the Calcutta High Court means that it would be applicable only in West Bengal and the Andaman and Nicobar islands. Other states may follow the order but it is not a binding upon them.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/get-info-under-rti-without-revealing-your-identity/article1-1153724.aspx>

Also Available At:

<http://www.indianexpress.com/news/calcutta-hc-directs-rti-queries-to-mention-post-box-no-personal-details/1197376/>

<http://www.deccanherald.com/content/370346/rti-queries-can-made-just.html>

<http://www.kashmirtimes.in/newsdet.aspx?q=25644>

<http://www.dnaindia.com/india/report-rti-queries-can-be-initiated-with-only-post-box-numbers-calcutta-high-court-1922210>

28 NOVEMBER 2013

93) HC, CIC lock horns over law

TNN Nov 28, 2013, 01.16AM IST Ahmedabad

A legal battle has begun between the state's Chief Information Commissioner and Gujarat high court about which law should prevail - the RTI Act or the rules framed by the high court under the Act.

The CIC has asked the high court authorities to furnish information under the information laws on various occasions, when the latter refused to supply details to applicants on the grounds that certain clauses in the Gujarat High Court (Right to Information) Rules, 2005 restrict the right of people to seek information. The CIC, whenever it has found that the information does not fall in the exceptions in the RTI Act, has directed HC authorities to furnish the information. The CIC has even asked the HC not to interpret the information law on its own to deny information.

In this case, an applicant, Mahendra Bhatt sought details in the form of certified copies of court orders. The information officer refused to provide such copies and cited the HC rules. Bhatt moved the CIC, which ordered the HC to part with the information. This led the HC authorities to move the high court's judicial side by of filing a petition against the CIC order in April.

Last month, Justice A S Dave asked the HC's information officers to supply the information to Bhatt. But the main dispute - whether the RTI Act will be completely applicable to the high court and whose law should prevail - would be discussed at the time of the final hearing of the petition on December 20. However, the direction to part with the information was not accepted by the HC, and it has now filed an appeal before a division bench. Hearing on this appeal will take place on Thursday.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-28/vadodara/44545715_1_cic-order-hc-rules-the-cic

29 NOVEMBER 2013

94) SC order may lighten city cops' RTI burden

Soumitra S Bose, TNN | Nov 29, 2013, 02.20 AM IST Nagpur

The overburdened special desk of city police catering to queries under Right to Information (RTI) Act at Civil Lines-based commissionerate is likely to get relief as state information commission's has government offices citing Supreme Court order that they could avoid furnishing cumbersome and unnecessary details while replying to queries. Sources at police commissionerate claimed its RTI desk has so far received 726 applications this year asking information on diverse issues. In addition, it has also received around 100 appeals to the first appellate authority at police commissionerate. It has also received another 14 appeals to the second appellate authority which is the state information commissioner.

Apart from police commissionerate, divisional information officers or assistant commissioners of police too have been receiving a steady numbers of RTI applications. The office of Pachpaoli division of ACP has so far received 274 applications this year while its Sitabuldi counterpart has received 213. The police stations are also equally burdened with such applications. For example, Jaripatka police station source said its RTI desk received more than 200 applications from various sources this year.

It is learnt that every police station, despite manpower crunch, has to deploy more than a couple of constables for dealing with RTI queries. The applications submitted at the commissionerate or divisional ACP's office are diverted to the police stations that have to collect and collate the information from the records and send it back.

The state information commission, citing a Supreme court order, has stated that information with vast and unnecessary details can be avoided as manpower was wasted collecting it and which often did nothing to advance transparency and accountability of government offices, which was purpose of RTI Act. The Supreme court had stated, "where information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or rules and regulations of public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to the applicant."

A senior official stated that information sought often requires drawing dates from various records and just one application can leave several personnel hassled. "As per the state information commission guidelines we are now contemplating furnishing information which is available in the existing format and not go out of the way to search for records and compile it," he said.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/nagpur/SC-order-may-lighten-city-cops-RTI-burden/articleshow/26543435.cms>

30 NOVEMBER 2013

95) Candidates demand answer key

Mudasir yaqoob Srinagar, Nov 30

Alleging that Board of Professional Entrance Examination set aside rules in Common Entrance Examination 2013 for re-evaluation and settlement of students' claims with respect to disputed answers, candidates on Saturday alleged the officials ignored procedures and dropped some deserving candidates from selection list of Common Entrance Test (CET) 2013 by playing point game.

A group of aggrieved candidates of CET 2013 while talking to Greater Kashmir said that the officials have failed to make revised answer key public which has been long pending demand of the candidates and parents. They said: "Various aspirants lost 8 to 11 crucial points after BOPEE played point game and concealed revised answer key."

They said that BOPEE had received around 450 representations from various aspirants stating that some options in answer key were wrong, requesting officials to correct the record before evaluation of answer sheets.

"Various questions in different papers including Physics, Chemistry and Biology were claimed wrong by aspirants. The matter was sent to subject experts who recommended that claims of students are true as both the 'correct options,' suggested by aspirants and paper setters, were 'appropriate,' students claimed, adding "But we were kept in dark and the answer key was not updated on the BOPEE website. Some of us filed RTI and are yet to receive the copy of answer keys.

Pertinently, pulling up the Board of Professional Entrance Examination for concealing the revised key of this year's Common Entrance Test, the J&K High Court had observed that the selection body has itself made some 'startling revelations' which have 'seriously affected the sanctity of the results'. The revelations have been made in objections filed by the BOPEE to a petition challenging the latter's wrong key.

Source:

<http://www.greaterkashmir.com/news/2013/Dec/1/candidates-demand-answer-key-28.asp>

Important Notifications and circulars on RTI and News about Central and State Information Commissions

01 NOVEMBER 2013

96) Government retracts RTI citizenship circular

PANAJI, November 1, 2013

Following flak from Right to Information (RTI) activists and opposition political parties for some time, the Goa government on Wednesday replaced its earlier circulars that had made it mandatory for Public Information Officers (PIOs) and Assistant PIOs to seek an affidavit from the applicants of RTI to confirm their Indian citizenship.

Chief Minister Manohar Parrikar recently assured that circulars will be withdraw blaming officials for “wrongly wording the same.”

According to the new circular, it was now left to the discretion of the PIO or the APIO to ask for such a declaration or a sworn affidavit as proof of citizenship of the applicant along with her or his application or any specified document to prove citizenship.

The circular was issued on Wednesday by the Director of Information and Publicity, State nodal agency for RTI, which said as per Section 3 of the RTI Act, subject to the provisions of this Act, all citizens shall have the Right to Information.

“It is therefore clear that all PIOs and APIOs, are required to satisfy themselves that the person seeking information under RTI is a Citizen of India, before providing information sought under the Act,” said the circular.

It went on to note that it is up to the APIOs and PIOs to satisfy themselves of compliance with the above provision. The Wednesday circular had been issued superseding the earlier circulars dated May 7 and October 4.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/government-retracts-rti-citizenship-circular/article5303567.ece>

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-11-06/goa/43731594_1_rti-activists-govt-issues-pios

02 NOVEMBER 2013

97) Aided schools come under RTI Act

KOCHI, November 2, 2013K.A. SHAJI

Government issues orders on recommendation of State Information Commissioner

In a move aimed at making appointments to teaching posts in government-aided schools in the State more transparent and in conformity with the laws, the State government has decided to bring aided-school managers within the ambit of the Right to Information (RTI) Act with immediate effect. The Education Department has issued an order in this regard recently and it is now being circulated among school managers and headmasters across the State.

The initiative was in response to a recommendation from State Information Commissioner M.N. Gunavardhanan, who was approached by K.V. Seenamol of Nettur in Ernakulam district on rejection of her RTI query to SM High School, Cherayi, over the nature of an appointment.

While considering Ms. Seenamol's appeal in February, Mr. Gunavardhanan asked the State government why it was not appointing school managers as information officers. Rejecting government's argument that school managers are not appointed by the government, he ordered that they must definitely come under the RTI Act as they handled public money.

Financial aid

"It is the State government that pays salary, benefits and even pension to teachers appointed by managers of aided schools. Managers are answerable to the government because they are running the schools with financial help from the government. The General Education Department must issue an order bringing aided-school managers under the ambit of the RTI Act," said the State Information Commissioner.

The Government Order, issued by General Education Deputy Secretary V. Ratnamma last week, said the decision to bring managers under the RTI Act was taken after close examination of the nature of appointments in aided schools and the way they were getting government money. As per the order, managers of Lower Primary, Upper Primary and High Schools are State information officers bound to reply to RTI queries and the appellate authority would be the Assistant Education Officer concerned. In higher secondary and vocational higher secondary schools too, the managers are bound to answer RTI queries. Higher Secondary Regional Deputy

Director and Vocational Higher Secondary Regional Assistant Director will be the appeal authorities respectively.

Ms. Seenamol had sought details of a fresh appointment made by the school management in 2000 but the manager returned the RTI query saying the rule was not applicable to him. Her appeal was rejected by the District Education Officer later. Then she approached the State Information Commission.

“It is a remarkable order. The order can make functioning of aided schools transparent and make the managements accountable to society,” said Kochi-based RTI activist D.B. Binu.

Managers bound to answer RTI queries

Appointments to become more transparent

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/aided-schools-come-under-rti-act/article5307392.ece>

Also Available At:

<http://www.studyinindia.in/2013/11/05/aided-schools-now-under-rti/>

04 NOVEMBER 2013

98) Now, errant RTI officials may have to forgo their promotion

Kochi, November 4, 2013 K.A. Shaji

The State government has started efforts to revise the Manual of Office Procedures (MOP) following growing non-compliance by officials with provisions of the Right to Information (RTI) Act. All members of the State Information Commission had raised a collective demand for the move.

The existing fine of Rs.25,000 will be imposed on officials who refuse to disclose information as per the rules. The modified MOP will empower senior officers and appellate authorities to make confidential entries in the service book of errant officers. The entries could lead to denial of promotions and increments.

“Paying the fine will not be a burden for corrupt officials who withhold crucial information to protect individuals involved in shady deals. These individuals will pay the fine and prevent

disciplinary action against the official. Making entries in the service book, however, will force officials to act in the true spirit of the law,” said Information Commissioner M.N. Gunavardhan.

The government has also started revising the material used in in-house training. Employees will be taught lessons on the RTI Act. The General Administration Department is spearheading the revision of the MOP and training material.

The changes will be made in two months’ time. From now on, training and refresher courses will comprise sessions on the RTI Act.

“Many officials are yet to understand the importance of the Act, which upholds the public’s right to information. I was invited for a training programme for 40 officials on RTI at the Institute of Management in Government in Thiruvananthapuram on Tuesday. But hardly 10 officials turned up and they did not have even peripheral knowledge of the Act,” said Kochi-based RTI activist D.B. Binu. Sensitisation efforts were required to ensure cooperation of government officials for the successful implementation of the Act, he said.

The General Administration Department is even planning to conduct tests on RTI for officials before awarding increments and promotions.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/now-errant-rti-officials-may-have-to-forgo-their-promotion/article5311179.ece>

Also Available At:

<http://www.thehindu.com/news/cities/Kochi/errant-kerala-rti-officials-may-lose-promotion/article5310059.ece>

07 NOVEMBER 2013

99) RTI official for quick action on petition over Gandhi memorial site

ELURU, November 7, 2013 Special Correspondent

RTI Commissioner M. Ratan on Wednesday directed the revenue authorities to act promptly on a petition the RTI has received over the Mahatma Gandhi memorial site under the grip of land grabbers at Venkataraopet Street in the city.

B.K.S.R. Ayyangar, an RTI activist, petitioned the Eluru Tahsildar seeking the status of the prime land in the wake of a report appeared in *The Hindu* on January 31, 2012. In the petition, the activist urged the revenue authorities to take up a detailed survey of the memorial site and disclose the details of the grabbers who encroached upon a portion of the land located in the heart of the city.

He also emphasised the need to declare it a national heritage site. Members of Prarthana Samajam, a local spiritual organisation, received the land with an extent of 16,000 sq.ft from donors for construction of a prayer hall. Mahatma Gandhi, during his fund-raising campaign in the city in 1921, laid the foundation stone for the prayer hall in the site.

He and his wife Kasturba were reported to have arrived to the site from a place in I-Town on a horse cart to participate in the foundation-laying ceremony.

To one's chagrin, the Gandhi's dream project failed to take off yet even nine decades after he laid the stone for a variety of reasons and a major chunk of the land was subjected to grabbing.

Mr. Ayyangar said the revenue authorities took one full year to disclose details on his petition of great public importance on the contrary to the one month deadline. His plea for a survey of the land still remained pending, he regretted.

Mr. Ratan said casual approach by the official machinery in disposing of the appeals of public importance like the one relating to the Gandhi memorial site was quite disheartening. Eluru Tahasildar G. Chinnikrishna said he would take up a survey and take measures for protection of the site immediately.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/rti-official-for-quick-actio>

09 NOVEMBER 2013

100) Finally, govt names Padma nominators

HT Correspondent, Hindustan Times New Delhi, November 09, 2013

Political bigwigs and marquee names from cultural, sports, judicial, bureaucratic and scientific communities recommended names for 2013 Padma awards, according to a home ministry document released under the Right to Information.

Earlier, the home ministry had refused to go public with the names of dignitaries who had recommended candidates for the Padma awards. The Central Information Commission, however, rejected the home ministry stand on an appeal by RTI activist Subhash Chandra Agarwal and told the government that it should have, in the first instance, made the list public on its own.

Union ministers Sushilkumar Shinde, Salman Khurshid, Rajiv Shukla, Sriprakash Jaiswal, Kishore Chandra Deo, Harish Rawat, Congress treasurer Motilal Vora, Chhattisgarh chief minister Raman Singh, music maestros Pandit Jasraj and Ustad Amjad Ali Khan were among those who recommended names for Padma awards.

Actor Nagma's name was recommended by Congress MPs Motilal Vora, Vilas Muttemwar, Mohammed Azharuddin and T Subbarami Reddy, PCI chairman Markandey Katju, NCM chairman Wajahat Habibullah and the government of Maharashtra. But, she didn't get the award.

Ustad Amjad Ali Khan, a Padma Vibhushan awardee himself, recommended at least half a dozen persons, including his Sarod player sons, Amaan and Ayaan Ali Khan. Bharat Ratna singer Lata Mangeshkar's recommendations included her younger sister Usha Mangeshkar. Actor Sridevi, who was awarded Padma Shri this year, was recommended by Congress Rajya Sabha member T Subbarami Reddy.

Former Indian cricket captain Rahul Dravid and cricketer Gautam Gambhir got recommendations from BCCI secretary Sanjay Jagdale and the sports ministry. Dravid and Gambhir were awarded Padma Bhushan and Padma Shri, respectively.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/finally-govt-names-padma-nominators/article1-1148999.aspx>

Also Available At:

<http://www.deccanchronicle.com/131109/news-current-affairs/article/padma-shri-all-family-artists>

<http://www.thehindu.com/todays-paper/tp-national/tp-kerala/rti-reply-reveals-flaws-on-padma-list/article4251509.ece>

<http://indiatoday.intoday.in/story/anil-kapoor-sridevi-sharmila-tagore-nominated-for-2013-padma-awards/1/322373.html>

http://articles.timesofindia.indiatimes.com/2013-11-09/india/43854249_1_padma-awards-jasraj-names

101) 'Gujarat HC does not have power to interpret RTI Act'

Saeed Khan, TNN Nov 9, 2013, 02.53AM IST

AHMEDABAD: The Gujarat high court does not have the power to interpret any section of the Right to Information Act, but is only entitled to make rules for its better implementation, state chief information commissioner D Rajagopalan has said.

He asserted this after the high court declined to provide information related to the judges' absence from duty citing its information rules.

"According to RTI Act, provision for denying information is shown in Section 8. While denying information, the information officer has to rely only on Section 8 of the Act," the State Information Commission (SIC) ruled on October 21.

"Gujarat high court has been entitled to form rules under the RTI Act, which is obviously for the purpose of better implementation of the law. The high court does not have power to take any decision about interpretation of the section mentioned in the Act."

The SIC ruled it did not find the denial of information under Gujarat High Court Rules "proper and reasonable".

It has now asked the court to respond to social activist Indukumar Jani query regarding the number of days the judges did not work and were on leave in 2009-10 free of cost. Jani had sought the information in April 2010.

The court's information officer had furnished information about casual leaves the judges were entitled to, but refused to disclose the number of days they did not work after some delay.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-09/ahmedabad/43854491_1_gujarat-high-court-rti-act-state-information-commission

10 NOVEMBER 2013

102) Notice to TTD on RTI

Tirupati, November 10, 2013 Staff Reporter

The AP Information Commission has served a notice on the office of the Joint Executive Officer, Tirumala Tirupati Devasthanams (TTD), for reportedly declining to furnish information sought on the number of tickets issued in the year 2012.

Under the RTI, the Telugu Desam Party's (TDP) district vice-president P. Sathagiri Prasad had sought information on the number of VIP break, Kalyanotsavam, Vasthralankarana seva tickets issued by the office of the JEO during various regimes and the people who had recommended for the same. The request was reportedly rejected.

Based on a complaint by the appellant Dr.Prasad, the commission has directed the Public Information Officer and the Appellate Authority in the JEO's office (both respondents) to personally appear at the commission's office at Hyderabad with the relevant files and register on Nov 13.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/notice-to-ttd-on-rti/article5334296.ece>

Also Available At:

<http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/speakers-flay-ttd-for-corruption/article5366767.ece>

11 NOVEMBER 2013

103) Names cleared, five info commissioners to take oath on Nov 13

Shyamlal Yadav : New Delhi, Mon Nov 11 2013, 00:17 hrs

A high-powered committee headed by Prime Minister Manmohan Singh cleared the appointment of five information commissioners (ICs) on Sunday.

Sources said Chief Information Commissioner Deepak Sandhu, who is out of station, would return on Tuesday and may administer oath to former high commissioner in Pakistan Sharat Sabbarwal, secretary (security) Yashovardhan Azad, former Department of Posts secretary

Manjula Parashar, NALSAR (Hyderabad) professor Madabhushi Sridhar Acharyulu and retired joint secretary (Department of Justice) M A Khan Yusufi at the CIC conference hall on Wednesday.

Sandhu, however, could not be contacted.

Sabbarwal retired in September 2012 from Indian Foreign Service (1975 batch) and served as high commissioner in Pakistan till June this year. Azad, a 1975-batch IPS officer of the MP cadre, retires in March 2014. He was considered for the post of Intelligence Bureau chief last year but later posted as secretary (security) in the cabinet secretariat. He is brother of BJP MP Kirti Azad and son of former Bihar Chief Minister Bhagwat Jha Azad.

Manjula Parashar (Indian Postal Service, 1975 batch) retired in January as secretary of the Department of Posts. Her husband R N Parashar is a retired IAS officer of the Haryana cadre and served as principal adviser to Chief Minister Bhupinder Hooda after retirement in 2009 and later as chairman, Haryana Electricity Regulatory Commission.

Madabhushi Sridhar Acharyulu is a professor of law at National Academy of Legal Studies and Research in Hyderabad. He was earlier a journalist with Telugu daily Udayam owned by former coal minister Dasari Narayana Rao.

Yusufi has served in the Department of Justice, Ministry of Law, as joint secretary. He retired two years ago.

Former secretary, Department of Personnel and Training (DoPT), P K Mishra, who was also tipped to become an IC, missed out.

Several civil society members and journalists had also applied but none was chosen.

The DoPT received 422 applications for the five posts, including at least 150 from serving and retired bureaucrats. A screening committee headed by Cabinet Secretary Ajit Seth shortlisted 15 names. The committee that chose the final five also comprises Leader of Opposition in Lok Sabha Sushma Swaraj and MoS in PMO V Narayansamy.

Currently, the CIC has four ICs, plus Chief Information Commissioner Sandhu.

Source:

The Indian Express, <http://www.indianexpress.com/news/names-cleared-five-info-commissioners-to-take-oath-on-nov-13/1193293/0>

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-11-12/india/43979148_1_information-commissioners-central-information-commission-5-names

15 NOVEMBER 2013

104) UP drops minimum edu qualification requirement for info commissioners

Neha Shukla, TNN Nov 15, 2013, 01.36AM IST Lucknow:

To make people of 'eminence' occupy the seat of an information commissioner, the UP government dropped the requirement of 'minimum' qualification for information commissioners, thus paving the way for even illiterates to be ICs in the state. The government had earlier fixed graduation as the minimum qualification for ICs.

Believing that personalities like Anna Hazare or Birsa Munda's eminence was never a byproduct of their academics, the administrative reforms department (ARD) had done away with the requirement of graduation degree as the minimum qualification for being information commissioners (ICs) in UP.

After it changed the conditions for appointment, it received 186 applications more from IC-aspirants. The officials in ARD do not deny that some of these applications might be from "illiterates" who otherwise might be people of eminence in their work areas.

"We have sent applications to the recommendatory committee headed by the chief minister. The committee has already met and discussed the appointment of ICs once," principal secretary, ARD, UP, Prabhat Kumar Sarangi. The department has in all received 641 applications.

ARD had advertised for the eight vacant posts of ICs in the UP state information commission (UPSIC) and called for applications from people in August this year. It was the first time the posts were advertised to keep the appointment process transparent and to act on the directions of the Supreme Court. The department received 455 applications for the vacant posts of ICs.

Later, it took out another advertisement wherein it did away with the requisite qualification completely. The officials said it was done as the per the SC order. Besides, the Right to Information (RTI) Act also says that ICs should be persons of eminence in public life with wide

knowledge and experience of law, science and technology, social service and management, journalism, mass media or administration and governance.

To encourage such people of eminence, who may not be high on educational qualification, ARD dropped the requirement of graduation degree as the minimum qualification for ICs in the state. It received 186 applications after it did away with the minimum qualification requirement.

ARD, this time, had also put up the condition that those who apply will have to pay Rs 2,000 through demand draft. This was aimed at discouraging the "frivolous" applications. "Four applications were rejected because they were without the requisite fee, and one for being addressed to chief secretary when it was to be sent to principal secretary, ARD," said the official. It was in July 2012 that UP government started appointment process for ICs. It was, however, put in abeyance due to the September 2012 order of the Supreme Court saying "only sitting or retired HC judges should be preferred in appointment of information commissioners".

On April 16, however, Supreme Court stayed its seven-month-old order and UP government resumed the process as per the order of the court taking out advertisements and inviting applications.

UPSIC has ten ICs and a Chief Information Commissioner (CIC). The commission, at present, has only two ICs and the CIC to hear the cases. Two ICs, including the chief information commissioner (CIC), will retire on June 30, 2014, while another would retire on June 22 next year.

Due to eight posts of ICs lying vacant in UPSIC, the functioning of the commission is getting severely affected. It has a pendency of about 45,000 RTI applications.

As soon as the recommendatory committee finalises the names, ARD will forward the names to the Governor who will then issue a notification on the appointment of ICs.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-15/lucknow/44112952_1_ics-information-commissioners-qualification

17 NOVEMBER 2013

105) CIC pulls up four chief public information officers

Saurabh Parashar, TNN Nov 17, 2013, 07.23PM IST

CHANDIGARH: Central Information Commission (CIC), Delhi, came down heavily on three chief public information officers (CPIO) of three different departments of Chandigarh administration including police, forest, health for not providing information related to grants, types of grants released to these departments from the various funds of Chandigarh administration.

The information was sought by a constable of Chandigarh police, Jagjeet Singh. The CIC has passed its detailed order while hearing the appeal of Singh against the lenient attitudes of the concerned departments on November 11 and instructed the four CPIOs to provide all relevant details to applicant within the limit of three weeks.

In his appeal before CIC, Singh stated, "He moved an RTI application seeking information about grants, types of grants issued to health, police and forest department before the CPIO of finance department on December 5, 2012. Later, his complaint was moved to concerning departments but did not provide him relevant information."

The applicant Singh further stated, "After repeated appeals, though forest department provided the sufficient information, police and health departments provided misleading and incomplete information respectively." Meanwhile, two parties included the applicant and representatives of challenge departments were presented before CIC on November 11. A copy of orders has been dispatched to all concerning parties.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-17/chandigarh/44161505_1_central-information-commission-cic-cpio

106) 8 years on, RTI Act awaits proper implementation

HT Correspondent, Hindustan Times Shimla, November 17, 2013

At a time when Right to Information Act has become an important tool to seek information, government departments have failed to implement section 4 of act that was aimed at providing suo moto information on websites.

Section 4 of the RTI Act was a commitment to ensure that information is put before the public at regular intervals through various means of communications, including internet, so that the public need not formally apply for obtaining information.

It was mandatory to ensure implementation of section 4 within 120 days. Section 4 of the RTI Act is main character of entire law. "This ensures transparency with accountability in government functioning," said chief information commissioner Bhim Sen, adding that even after 8 years, it was still waiting for proper implementation.

The Act had been enforced for more than eight years and it was enough time for concerned officials to get familiarised with it, added Sen.

Some of the departments of the state had not updated required information on any type of media. "As per the law, 17 categories of information have been listed under section 4-b," he added.

Apart from basic information, this section enabled commoners with right to seek information about functioning of the government departments. He said the commission could not take suo moto action against departments who had not disclosed information, until receiving any complaint. "If we will receive any complaint regarding flaying section 4, penal action will be taken by the commission," said Sen. "This leads to delay in providing information under the RTI Act, and to avoid delay, proper maintenance of records is ensured in the law," he said, adding that most public authorities had failed to make pro-active disclosures on their websites as required under Section 4 of the Act.

Department of administrative reform (AR) had issued a letter to all heads of the departments to ensure implementation of section 4 on November 1.

Additional chief secretary (AR) Ajay Mittal said there were few departments who had not published required information. "According to the assessment of AR department 5-7 departments have not published information required under section 4 of the RTI Act," said Mittal.

This notice was served after a letter issued by state information commission relating to implementation of section 4 of RTI act.

Section 4 of RTI Act

As per law, it shall be a constant endeavour of every public authority to provide as much information suo moto to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/himachalpradesh/8-years-on-rti-act-awaits-proper-implementation/article1-1152393.aspx>

19 NOVEMBER 2013

107) HC to hear former CIC's plea to disclose Ajit Pawar's IT returns

Rosy Sequeira, TNN Nov 19, 2013, 11.13AM IST Mumbai

Bombay high court is slated to hear on Tuesday a petition by former Central Information Commissioner Shailesh Gandhi challenging the Central Information Commission's order rejecting his plea seeking disclosure of the income tax returns and balance sheets of deputy chief minister Ajit Pawar.

On November 12, 2013 Justice Ranjit More had heard Gandhi's petition challenging the CIC's May 15, 2013 order which held that this information has no relationship with public activity and Gandhi has failed to disclose the larger public interest.

According to Gandhi's petition, his application under the Right to Information Act was rejected on January 2, 2013 by Central Public Information Officer/ Assistant Commissioner of IT. Consequently his appeals were rejected by the first appellate authority and then the CIC.

His advocate Sandeep Jalan argued that the CIC has not considered his contention that the information requested can be lawfully furnished within the framework of the RTI Act. Justice More questioned if it would not amount to invasion of privacy of a person as IT returns are personal information.

Jalan replied that Pawar being a public servant, this information is in public interest. He said affidavits disclosing personal assets filed by candidates fighting elections need to be verified by citizens. "Even if it is personal, still it has information related to public activity and public interest," said Jalan, citing two Supreme Court judgments that support his arguments. "Every case has to be tested on its merits There cannot be universal application of rules, "he added. Justice More asked Jalan to furnish the copies of the apex court's judgments and posted the next hearing on November 19, 2013

After the hearing, Gandhi told TOI, "Supreme Court has ruled that citizens have a right to know about the assets of a public servant and the disclosure cannot become less after they become a public servant."

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-19/mumbai/44241527_1_former-cic-central-information-commission-ajit-pawar

20 NOVEMBER 2013

108) Wakf board appoints 23 information officers in Maharashtra

TNN Nov 20, 2013, 05.22AM IST

AURANGABAD: The state wakf board has appointed 23 information officers across Maharashtra to clear the piling up of queries filed under the Right to Information (RTI) Act. Following an increase in the number of complaints against the board for failing to reply to RTI queries in time, Aurangabad information commissioner D B Deshpande recently directed the board to appoint more information officers.

Wakf board chief executive officer Syed Aejaz Husain told TOI, "The information commissioner directed us to appoint information officers from among the existing employees. With the 23 new appointments, we now have information officers in each of our departments in the board. Earlier, we had only six information officers."

Husain has also been given the charge as chief information officer of the board.

A senior official said on condition of anonymity, "The wakf officer receives hundreds of RTI applications every month. The officials are forced to search for the records asked for under RTI and reply, which allows them hardly any time for regular or productive work. Due to the

increasing number of RTI applications, the officials at times fail to reply within the stipulated time and the matter goes to the information commissioner."

Another official said Wakf property worth thousands of crores of rupees is at stake in the state. "Most times, people file RTI applications to know which are the non-occupied prime lands in the state," he said.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-20/aurangabad/44283901_1_wakf-board-rti-applications-rti-queries

109) MSEDCL franchisee to come under RTI ambit

Himanshu Nitnaware, TNN Nov 20, 2013, 05.23AM ISTAurangabad

The information commission here has directed GTL, franchisee of the Maharashtra State Electricity Distribution Company Limited (MSEDCL), to provide information under the Right to Information (RTI) Act.

The decision comes after the representatives of NGO Urja Manch, Hemant Kapadiya, Kamal Kishor Nagori and four others, approached the information commissioner in June, saying that the GTL did not entertain complaints of residents and applications under the RTI Act.

The GTL had claimed that the act did not apply directly to the company but it was indirectly answerable to the complaints and applications for information through the nodal office, the representatives had said. The nodal office is the mediator between the MSEDCL and GTL. A person seeking information has to approach the nodal office, which forwards the application to the GTL, and then the GTL replies to applications and complaints, through the nodal office.

On June 17, the information commissioner ordered submission of written statements by both the parties by July 1.

Addressing a press conference here on Tuesday, Kapadiya said, "According to the provisions in section (18) of the RTI Act, the information commissioner had issued notices to the MSEDCL and the GTL.

Kapadiya said that according to section 2(8), the GTL, even though it is a private entity, comes under the ambit of the RTI Act as it is controlled by the power utility and substantial finance such as infrastructure cost and assets are provided by the MSEDCL.

The order states that even if the GTL is a private company, provisions of the RTI Act are applicable on the company and it was made clear by various judgments of the high court. Accordingly, the GTL should provide information officer, appellate officer and other provisions earmarked in the RTI Act within three months and should provide information to the applicants.

Sameer Pathak, public relation officer at the GTL, said that the decision of the commission has been informed to the concerning officials at the company's head office in Mumbai, as well as administrative and management officials here. "A meeting would be held and the stand of the company would be taken in the two days," he added.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-20/aurangabad/44284004_1_msedcl-and-gtl-rti-act-msedcl-franchisee

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-11-19/mumbai/44241735_1_msedcl-rti-act-franchisee

21 NOVEMBER 2013

110) Put information on MGNREGA, PDS in public domain: Centre to states

By PTI | 21 Nov, 2013, 04.25PM IST New Delhi

The Centre today asked state governments to put all information related to implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme and Public Distribution System in public domain.

It has also asked states to ensure proactive disclosure under Right to Information (RTI) Act of information on public works done by a department at block and panchayat levels.

Section 4 of the RTI Act, 2005 lays down that information should be disclosed by public authorities on a suo motu or proactive basis.

The purpose of disclosure is to place large amount of information in public domain on a proactive basis to make the functioning of the public authorities more transparent and also to reduce the need for filing individual RTI applications, the Department of Personnel and Training (DoPT) today wrote to state governments.

A task force was constituted in May 2011 by the Centre to improve suo motu disclosure under the transparency law.

Detailed guidelines on proactive disclosure were sent to states through the letter written by Secretary, DoPT - a nodal authority for implementation of the RTI Act.

"The task force also recommended guidelines for disclosure by state governments along with templates for disclosure at various levels. Illustrative templates have been recommended for disclosure under PDS, Panchayats, MGNREGA and primary and secondary schools...

"You are requested to consider issuing above guidelines and templates for better implementation of the suo motu disclosure at state level," the letter by DoPT Secretary S K Sarkar said.

Source:

The Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/put-information-on-mgnrega-pds-in-public-domain-centre-to-states/articleshow/26155317.cms>

Also Available At:

http://www.firstpost.com/fwire/put-mgnrega-pds-information-in-public-domain-centre-to-states-1242443.html?utm_source=fwire&utm_medium=hp

<http://www.omantribune.com/index.php?page=news&id=155995&heading=India>

<http://www.deccanherald.com/content/370338/039mgnrega-pds-info-should-made.html>

111) Now, no RTI allowed for BMC-approved building plans

Clara Lewis, TNN Nov 21, 2013, 03.31AM IST Mumbai

Copies of building plans approved by the BMC will no longer be available under the Right to Information (RTI) Act.

State information commissioner Ratnakar Gaikwad, in a September 29 order, has said no building plans or other documents relating to public buildings will be disclosed as this could result in a security threat.

The directive applies to all municipal corporations and councils in the state. Public buildings include government and semi-government offices, hotels, gymkhanas, hospitals, malls, IT and commercial buildings.

"Similarly, in case of private buildings, interior plans will not be provided under RTI unless it is proved that the information sought is in public interest," states the order.

Gaikwad has sought to stop providing information under sections 19(8)(C) and 25(5) of the RTI Act, following appeals and complaints over plans being disclosed under the Act. Gaikwad told TOI the onus of proving public interest is on the information-seeker. "Also, a terrorist or an anti-social element can get vital information about hospitals, airports and important public places, which is dangerous."

Former central information commissioner Shailesh Gandhi termed the order "anti-citizen". Gandhi, along with another RTI activist, Bhaskar Prabhu, are part of the BMC's technical advisory committee working on how to put all permissions granted, approved plans, concessions for various building proposals on its website.

"The plans were to upload all the information on the BMC website in the next fortnight so that citizens do not have to seek the information under RTI. This would have reduced the number of RTI applications." Since the state information commission is a statutory body, the BMC has no option but to comply with its order.

Utsal Karani, secretary, Janhit Manch, said the NGO had filed a PIL against alleged violations in Palais Royale building at Worli based on information obtained under RTI Act. On Tuesday, Karani was informed by the Byculla building proposal department that his was the last RTI to be accepted. "The officer said henceforth RTIs seeking building plans will not be accepted. The only route available to citizens to know whether the flat they have purchased is legal or not has been shut," he said.

Gandhi said it was an unprecedented order muzzling information from being provided. "The order of the SIC is bad in law and contrary to the spirit and preamble of the RTI Act. The SIC should withdraw this order. Citizens should ensure that all details are made available on the website to safeguard their interests and prevent builders from fooling them." Activists said the order was shocking in the wake of the Campa Cola case. "The residents had held they did not know the flats were illegal. There was no RTI Act at that time to obtain information," they said.

Defending the order, Gaikwad said there is a difference between a prospective buyer and any other information seeker. "A builder must disclose to a prospective buyer all facts, plans, costs etcetera and can also insist on information under RTI if he feels cheated."

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-21/mumbai/44326085_1_rti-act-state-information-commission-shailesh-gandhi

Also Available At:

<http://www.dnaindia.com/mumbai/report-no-building-documents-under-rti-act-chief-information-commissioner-1922357>

<http://www.moneylife.in/article/maharashtra-sic-blocks-access-to-building-plan-documents-under-rti/35345.html>

22 NOVEMBER 2013

112) SIC pulls up BOPEE for failing to ensure transparency

Asked to submit compliance report on RTI implementation within 7 days

Umer Maqbool Srinagar, Nov 22:

In another major embarrassment for the Board of Professional Entrance Examinations (BOPEE), the State Information Commission (SIC) Friday pulled up the body for failing to implement Right to Information Act. The move couldn't have come at a worse time for BOPEE which is in dock for involvement of its former Head in paper selling scam.

Acting on explicit directions of Chief Information Commissioner, GR Sufi, the Commission today shot a notice to BOPEE chairman, RD Sharma, directing him to file compliance report vis-à-vis implementation of the Act by the Board within 7 days.

"The State Information Commission directs you to take immediate steps for complying with section 4 (1) (b) of the J&K RTI Act, 2009, and a compliance report in this regard be submitted to the Commission within 7 days from the receipt of this order," reads the notice served to Sharma.

The Commission has warned BOPEE of strict action in case it fails to comply with the Act. "In case of non-compliance, the Commission can proceed against the public authority under various

provisions of the law,” the notice reads. The BOPEE has failed to make suo-moto disclosures about its functioning, the Commission says, which is mandatory in as per section 4 of the RTI Act. “It is evident that you being a public authority, the J&K BOPEE has not complied with the above provisions of the J&K RTI Act, 2009, nor has it disseminated the mandatory information as a suo-moto disclosure under the Act,” the notice reads, adding, “The Commission has taken strong note of the same.”

As per legal obligations, every public authority was required to make suo-moto disclosures within 120 days from the commencement of the RTI Act. Sources in the Commission disclosed that CIC after finding the laxity on behalf of BOPEE directed his Registrar to write to Sharma to get the Act implemented.

“After the expose of paper selling scam in BOPEE, the CIC had directed his staff to see whether the Act has been implemented by the body or not,” they said.

When contacted, CIC GR Sufi said the directions were passed to ensure implementation of the RTI Act by the Board “as it has failed to perform mandatory functions as assigned in section (4) of the Act.”

“We have started a campaign to ensure implementation of the RTI Act by public authorities,” Sufi informed.

Source:

<http://www.greaterkashmir.com/news/2013/Nov/23/sic-pulls-up-bopee-for-failing-to-ensure-transparency-51.asp>

113) Madabhushi is Central Information Commissioner

By Express News Service – Hyderabad Published: 22nd November 2013 12:07 PM

Prof Madabhushi Sridhar, professor of law at NALSAR, will take oath as Central Information Commissioner in New Delhi on Friday.

He has authored 28 books on law and journalism, both in English and Telugu, including four on the Right to Information Act. He has quit his present post to take up the new assignment.

A media law researcher, Sridhar was a resource person for explaining the dynamics of right to information to information commissioners at programmes organised by the National Law School

of India, Bengaluru, and the Center for Good Governance. He has addressed many sessions at the Administrative Staff College of India, Hyderabad.

Some of his popular books are: Right to Information, Nirbhaya Act, Legal Language, Law of Expression and Alternative Dispute Resolution. Sridhar received the Best Teacher Award by the state government in September 2013.

Source:

The New Indian Express, <http://newindianexpress.com/cities/hyderabad/Madabhushi-is-Central-Information-Commissioner/2013/11/22/article1904359.ece>

Also Available At:

<http://missiontelangana.com/madabhushi-sridhar-takes-oath-as-information-commissioner/>

<http://www.thehansindia.com/posts/index/2013-11-23/Madabhushi-sworn-in-IC--77659>

114) RTI Judgement Series: PIO asked to provide duplicate registered sale deedmarking it as original

Moneylife Digital Team | 22/11/2013 04:46 PM

The CIC asked the PIO to find a way of giving duplicate sales deed marked as original along with a certificate. This is the 191st in a series of important RTIjudgements given by former Central Information Commissioner Shailesh Gandhi

The Central Information Commission (CIC), while allowing an appeal, directed the Public Information Officer (PIO) at Government of National Capital Territory of Delhi (GNCTD), to find a way of giving a duplicate registered documents marked as original to the appellant along with a certificate. The PIO had stated that they were not able to locate the original sale deed submitted by the appellant.

While giving the judgement on 8 July 2009, Shailesh Gandhi, the then Central Information Commissioner said, "As far as the Bench can see the papers may well have been stolen. The public authority appears to have failed in providing service to the appellant and it must find some way of giving the documents and relief to the appellant."

New Delhi residents, Neetu and Neeraj Kumar, on 25 February 2009, sought from the PIO information regarding sale deed that has been executed on 21 August 2007 by Mohan Swaroop in their favour. Here is the information they sought and the reply provided by the PIO...

1. Inform the date and dairy/dispatch no. by which the file was sent to higher authorities.

PIO's Reply- The file was send vide diary no3245 dated 23 August 2007 and again on 29 August 2007 vide no.3279

2. Inform the Name Designation and the complete address of the higher authorities to whom the file was sent.

PIO's Reply- Principal Secretary (Revenue)

3. Inform the efforts made by the department till 7 October 2008 to trace out the original sale deed.

PIO's Reply- All the record has been searched in the office. The matter has been again submitted before Worthy DC (South-West) to resolve the issue.

4. Inform the Name Designation and Posting Address of the erring officials who are responsible for non-delivering of Original Sale Deed to the Applicants till date.

PIO's Reply- As the matter is under process therefore the responsibility has not been fixed by the Department.

5. Inform the action taken/ initiated by the department against the erring official and also inform the outcome of the same.

PIO's Reply- -Do-

6. Inform the efforts made by the department to trace out the Original Sale Deed from 7 October 2008 to i.e. after giving the reply of RTI ID No.1259`

PIO's Reply- As mentioned in point no-'C'.

7. Inform that the department requires how much maximum time to deliver the Original Sale Deed to the Applicants?

PIO's Reply- The matter has been submitted before the Worthy DC (South-West) to resolve the issue and the order is awaited. The matter will be short out after having the directions from the higher authorities.

8. Inform the further course of action in case the Original Sale Deed is not found by the department.

PIO's Reply- -Do-

Not satisfied with the PIO's Reply, the Kumars then filed their first appeal, in which they stated, "It had been informed that the original sale deed was sent to higher authorities by SR-IX. The

PIO had neither given the information sought nor gave any satisfactory reply for the same. After five months sale deed had not been delivered to the appellant."

In his order of First Appellate Authority (FAA) said, he was satisfied with the reply provided by the sub-registrar. "However," he said, "the case was more of grievance redressal. The grievance of the applicants was genuine and it was incumbent on the department to come clear on the issue and take necessary action to get their deed registered."

The FAA then directed the sub registrar to immediately put up a note to this effect within a week, so that final decision could be taken expeditiously.

The Kumars then approached the CIC with their second appeal. They said, "The reply of PIO is not at all satisfactory and very vague. The contents of the order of FAA were contrary to what was discussed/ ruled during the course of hearing of the appeal."

During the hearing, Mr Gandhi, the then CIC, observed that both Neetu and Neeraj Kumar had given documents for registration duly stamped with a stamp duty of Rs12,600 on 21 August 2007 and were seeking the registered documents.

"He (the appellants) has been made to run from pillar to post to get the registered documents and he therefore filed a RTI application on 25 February 2009 asking about the fate of this. The PIO has given a reply on 16 March 2009 effectively stating that they are not able to locate the papers. The PIO states that the papers are not available," the Bench noted.

Mr Gandhi said, "As far as the Bench can see the papers may well have been stolen. The public authority appears to have failed in providing service to the appellant and it must find some way of giving the documents and relief to the appellant."

While allowing the appeal, the Bench then directed the PIO to find a way of giving duplicate registered documents marked as original to the appellant along with a certificate stating that the original stamped document has been stolen/ lost.

Source:

Money Life, <http://www.moneylife.in/article/rti-judgement-series-pio-asked-to-provide-duplicate-registered-sale-deed-marking-it-as-original/35358.html>

23 NOVEMBER 2013

115) Five Central Information Commissioners Appointed to CIC

NEW DELHI, November 23, 2013

Five new Information Commissioners have been administered the oath of office here by Chief Information Commissioner Deepak Sandhu.

The newly-appointed Central Information Commission (CIC) officials are former IPS officer Yashovardhan Azad, writer Madabhushanam Sridhar Acharyulu, former IFS officer Sharat Sabharwal, former Indian Postal Services officer Manjula Parasher and former Law Ministry Joint Secretary M.A. Khan Yusufi.

— Staff Reporter

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/five-new-cic-members-take-oath/article5382073.ece>

Also Available At:

http://www.business-standard.com/article/pti-stories/5-new-information-commissioners-take-oath-of-office-113112200993_1.html

<http://nvonews.com/2013/11/23/five-new-information-commissioners-administered-oath-of-office/>

<http://www.jagranjosh.com/current-affairs/five-central-information-commissioners-appointed-to-cic-1385178848-1>

116) No Information with Central Information Commission (CIC)

On 23/11/2013 by Live Law News Network

The Right to Information movement commenced in India with the notion of moving PIOs towards rightful information and justice. But the shortcomings of Central Information Commission has made it nothing short of a blasphemy towards the doctrines of this statute. In a recent RTI application filed by Kalpesh Kumar L Gupta of IIM Ahmedabad, the reply by the Commission has been strikingly shocking.

Gupta asked for month wise information from January 2005 to June 2013 of appeals and complaints. However, the commission could only reply for the year of 2005-2006, stating that “it does not compile statistics separately for appeals and complaints”. CIC has no record for the pendency’s of cases prior to 1st January 2013. As per the information mentioned, 24,326 cases are awaiting for disposal as on October’2013.

The Commission could neither answer about the award of compensations nor the disciplinary actions taken till the present year. In the written letter, it proclaimed “information is not maintained by the CIC”.

Thankfully it jettisoned some data for imposition of penalty. As per facts retrieved from PIOs or Pay & Accounts Office, since the year of 2007-2008, Rs.9840214 has been recovered from Rs. 16201275. The PIOs have also accessed to writ for waiver and stay of penalty amount. Year wise data could not be derived for the failure of the department to keep tracks.

On being questioned for the appeal status against Shri S K Das and Shri K Shaw, both of 1st Appellate Authority, Bank of Baroda, Ahmedabad, the commission once again remained silent.

If the question is aired, as to why the Commission could perform the job it has been allotted for, perhaps the reply would come as, “Commission does not maintain this information.”

Source:

Live Law, <http://www.livelaw.in/no-information-with-central-information-commission-cic/>

Also Available At:

<http://www.rtiindia.org/forum/116812-rti-activism-no-information-central-information-commission-cic.html>

117) CIC Seeks Personal Appearance Of Principal GMC, Ad Sec HME

Srinagar, Nov 23 (KNS)

Taking strong exception to the non compliance of Right To information Act (RTI) Act applicable to an application seeking date of birth and registrarship certificates of Dr Shahsi Gupta Principal Government Medical College Jammu, the State Chief Information Commissioner (CIC) has sought personal appearance of the Principle GMC Jammu and additional secretary health and

medical education with counter statement and relevant documents on December 10. Sources in the Commission said that the Principal GMC Jammu (Dr Shahsi Gupta) has been appointed as Public Information Officer (PIO) in the matter and was directed by the CIC to furnish the desired information to the applicant by November 2, but she failed to do so. In its order issued today the CIC has taken a serious note of the non compliance of RTI Act by health and medical education authorities who according to the Commission's order have not provided matriculation and registrarship completion certificate of DrShashi Gupta Principal GMC Jammu as there is reportedly some discrepancy in the Date of Birth in his service records. The sources in CIC office told Kashmir News Service, that the application seeking the certificates of Dr Gupta was filed by Dr Indu Koul in June this year which was not provided to her despite repeated reminders and its is reported that the records are not available. Sources in the information commission office told that the CIC has taken a serious note of lackadaisical attitude of the health and medical education authorities who failed to provide the information sought by the applicant under RTI Act. "The additional secretary health and medical education has been asked to appear personally before the CIC along with records with regard to DOB, matriculation and registrarship completion certificates of Dr Gupta on October 21," the CIC had said in its October 14 order. (KNS)

Source:

<http://www.knskashmir.com/newsdet.aspx?q=5728>

24 NOVEMBER 2013

118) Activists take complaint against information chief to governor

Clara Lewis,TNN | Nov 24, 2013, 02.44 AM IST Mumbai

RTI activists have complained to governor K Sankaranarayanan against state information commissioner Ratnakar Gaikwad for allegedly misusing his position to thwart the implementation of the RTI Act.

Gaikwad had issued an order on September 26 against disclosing information on building plans under the Right to Information Act. He withdrew the earlier order after TOI wrote about it.

In his complaint, activist Anil Galgali said, "The commissioner has quasi-judicial powers. He has to pass orders within the purview of the RTI Act on a case presented before it. It has no powers to pass any general orders/law (which is vested with either the government or the legislature). The September 26 order issued is not on the basis of any matter/case before it. Hence the order is illegal, bad in law and unconstitutional."

In a letter to Gaikwad, former central information commissioner Shailesh Gandhi said, "It appears there was no appeal, since no appellant or respondent is mentioned. It appears that it has been issued suo motu by the commission without any appeal having been made. This is a serious deficiency in the procedure, and hence was issued without the commission getting a chance to hear any viewpoint."

Gandhi further said the sub-clauses based on which the order was issued deal with providing information and there is no mention of any refusal of information.

"In the impugned order, the commission has effectively created an exemption of information-plans and documents relating to buildings for which permission is sought. Parliament created the exemptions, and the commission does not have the authority to create a class of exemption," he said.

Galgali said that nearly 52% of the buildings in Mumbai do not have Occupation Certificates and a repetition of the Campa Cola mess is inevitable.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/mumbai/Activists-take-complaint-against-information-chief-to-governor/articleshow/26283224.cms>

25 NOVEMBER 2013

119) Ex-information chief Shailesh Gandhi wants RTI building plan order withdrawn

Monday, Nov 25, 2013, 9:15 IST | Place: Mumbai | Agency: DNA DNA Correspondent

Shailesh Gandhi says it's alright to withdraw an incorrect order.

Two days after state chief information commissioner (CIC) modified an earlier order banning revelation of building plans, a former information chief has said that the order should be withdrawn.

Shailesh Gandhi, former central information commissioner, has in a letter to Ratnakar Gaikwad, state CIC, said there's nothing wrong in withdrawing an order if it is thought to be wrong. Gandhi appended a copy of one of his own orders, scrapping one of his own earlier decisions.

In an order on March 15, 2010, Gandhi had stated that his bench accepted its error in making a charge of 'dereliction of duty' against a first appellate authority, withdrew its statement and apologised.

"This is important as I have not come across any commissioner that has issued an order of this type (curbing information). If this is allowed to go unchallenged, tomorrow any commissioner will give any kind of order. I think it is a good sign that he is acknowledging that the order was not correct. But I feel it should either be withdrawn or stayed completely," said Gandhi.

In an order on Thursday, Gaikwad said that but for internal layout of rooms and other internal detailing in a building, details like FSI, occupation certificate be provided by public authorities.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-ex-information-chief-shailesh-gandhi-wants-rti-building-plan-order-withdrawn-1924493>

120) State information chief defends building plan order

TNN | Nov 25, 2013, 01.25 AM IST

MUMBAI: State information commissioner Ratnakar Gaikwad has defended his September 29 order disallowing public authorities from disclosing building plans under the Right To Information (RTI) Act. RTI activists had complained to governor K Sankaranarayanan against the order.

Gaikwad said central and various state information commissions have from time to time passed several generic orders under 19(8) and 25(5) of the RTI Act issuing directive to public authorities.

"Even I have, during the last one and a half years, passed several such orders that have been appreciated by many. Why are these activists not challenging those orders?" he asked. Gaikwad

had withdrawn the September 29 order a day after TOI reported on it. He clarified that public authorities could provide all details except interior layouts of buildings.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/mumbai/State-information-chief-defends-building-plan-order/articleshow/26330830.cms>

Also Available At:

<http://www.dnaindia.com/mumbai/report-rti-chief-order-on-building-information-misinterpreted-1922973>

27 NOVEMBER 2013

121) Secy clarifies on RTI authorities

Puneet Pal Singh Gill Tribune News Service Ludhiana, November 27

Secretary of the Local Bodies Department has issued orders that the Additional/Joint/Deputy /Assistant Commissioners of municipal corporations would continue to work as First Appellate Authorities (FAA) while the MC engineers and superintendents as Public Information Officers (PIOs) and all Assistant Corporation Engineers and Inspectors as Assistant PIOs.

This order was issued by Ashok Kumar Gupta, Secretary, Local Bodies, on November 21.

In April, when the RTI wing of the Ludhiana Municipal Corporation, was changed in a big way and MC Additional Commissioner Davinder Singh was made the first appellate authority (FAA) in place of the then MC Commissioner Rakesh Kumar Verma. While the zonal superintendents were made the Public Information Officers (PIOs) and Inspector-level officers Assistant Public Information Officers (APIOs).

Perturbed over this, some Right to Information Act (RTI) activists had approached the Punjab and Haryana High Court against this development. The RTI Activists had rued that the Commissioner of the Municipal Corporation, Ludhiana, was not competent to appoint PIO, APIO and FAA, especially when the state government had issued a notification on November 20, 2009, in this regard.

Ever since the Right to Information Act came into being, the PIOs of Buildings and Roads, Horticulture and Operations and Maintenance were officers of the superintending engineer (SE)

level while the Municipal Town Planner was the PIO of building branch, zonal commissioner level officer was the PIO of house tax. Other senior officers were the PIOs of other departments. An RTI activist, Kuldeep Singh Khaira, said as per a state government notification (dated June 2, 2009), only the MC Commissioner could be the first appellate authority, Joint/Deputy/Assistant Commissioners as PIOs and branch superintendent or in charge concerned will be the APIO. On August 20, the court had issued orders wherein the secretary (local bodies) was asked to issue an order in this regard so that the matter could be clarified.

The recent order, copy of which is in the possession of Ludhiana Tribune, states Additional/Joint/Deputy/Assistant Commissioners (if they are IAS or PCS officers) “Where there is no IAS/PCS officer, the commissioner will be the FAA. MC engineers and superintendents as Public Information Officers (PIOs) and all Assistant Corporation Engineers and Inspectors as Assistant PIOs”.

Source:

The Tribune, <http://www.tribuneindia.com/2013/20131128/ldh1.htm#1>

122) NGO moves info chief against UoP circular

TNN Nov 27, 2013, 02.51AM IST

PUNE: In an e-mailed complaint to the state chief information commissioner, city-based NGO Sajag Nagarik Manch on Tuesday sought an inquiry under the Right to Information (RTI) Act against the University of Pune's (UoP) recent circular related to extension of photocopies of assessed or revalued answer sheets to students on demand.

The NGO has raised strong exception to some of the conditions prescribed in the university's circular pertaining to the issue, on the grounds they are in contravention of the provisions under the RTI Act and also not in consonance with the Supreme Court judgment in the CBSE vs Aditya Bandopadhyaya case in which the court has dealt in details with the matter.

In March, Vivek Velankar, who heads the NGO, had issued a legal notice to the university seeking steps to scrap its Ordinance 182 that puts restrictions on students from seeking photocopies of assessed or revalued answer sheets. The university had subsequently informed Velankar that a UoP sub-committee was examining amendment to the Ordinance. On September

19, the university management council went ahead to scrap the ordinance and vice-chancellor W N Gade issued a fresh circular on November 1 detailing the process for securing photocopies of answer sheets.

While welcoming the university's move to scrap the ordinance, Velankar has said that even the new circular puts undue restrictions and is in contradiction of the RTI provisions and the Supreme Court judgment.

The main objections are related to the condition that application for photocopies ought to be made within 10 days of declaration of the result and that the applicant should be the sole custodian of the photocopies and will not disclose the same to others or "misuse" the photocopies against the university.

Velankar has argued that there is no justification for such conditions as the apex court judgment is quite clear that application for photocopies can be moved till such period of time which the university preserves the answer sheets. In case of UoP, the period is three months and not 10 days. Besides, the RTI Act makes no provision that information, including photocopies of answer sheets, sought cannot be disclosed. "The university circular makes no elaboration on what it means by the term misuse of photocopies," Velankar said.

He has urged the chief information commissioner to order an inquiry into the university's position behind issuing such a circular and issue directives for corrective measures in the larger interest of students.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-27/pune/44519177_1_answer-sheets-photocopies-university-management-council

Also Available At:

<http://www.indianexpress.com/news/advocacy-group-approaches-cic-over-uop-s-new-ordinance/1200091/>

<http://www.dnaindia.com/pune/report-rti-activist-flays-uop-circular-on-answer-sheet-copies-1924877>

<http://www.punemirror.in/article/2/20131126201311260920375629c171957/UoP-scrap-ordinance-restricting-revaluation-.html>

<http://www.indianexpress.com/news/UoP-scraps-ordinance-that-denied-access-to-photocopies-of-revaluated-answer-books/1199557/>

http://articles.timesofindia.indiatimes.com/2013-11-26/pune/44485365_1_research-guides-uop-faculties

123) MCX appoints ex-CIC Satyananda Mishra as its chairman

PTI Nov 27, 2013, 10.15PM IST Mumbai

Commodity bourse Multi Commodity Exchange (MCX) said it has appointed former Chief Information Commissioner (CIC) Satyananda Mishra as the Chairman of the Board.

However, Mishra's appointment as chairman is subjected to the approval of the commodity markets regulator Forward Markets Commission (FMC), a company statement said here.

The board noted the appointment of Mishra as Independent Director on the Board of the company for a period up to March 31, 2016 on FMC approval.

Earlier, the exchange had appointed R M Premkumar, a former bureaucrat as its interim chairman. Premkumar will continue to remain independent director on the company's board.

At its board meeting today, the exchange also recommended the appointment of Miten Mehta as a Shareholder Director as Financial Technologies nominee on the MCX board.

It may be recalled that Paras Ajmera, the last nominee of promoter Financial Technologies India Ltd (FTIL), resigned earlier this month from the crisis-ridden commodity exchange's board. The resignation came amid the continuing Rs 5,600 crore payment crisis at the FTIL-promoted National Spot Exchange Ltd (NSEL).

On October 31, Jignesh Shah had resigned as non-executive vice-chairman of MCX after sector regulator Forward Markets Commission (FMC) issued a notice to him and FTIL questioning the 'fit and proper' status.

Earlier, MCX MD Shreekant Javalgekar had also resigned from company. MCX has begun search for a new managing director and CEO.

It has invited applications from candidates with at least 20 years of experience in management positions, including three years at the top management level. The appointment will be subject to approval of FMC and the term is three years, which can be extended.

The performance of MCX has been hit badly second quarter ended September 30 due to the imposition of commodity transaction tax (CTT) since July and also because of the recent payment crisis at NSEL.

Source:

The Economic Times, http://articles.economictimes.indiatimes.com/2013-11-27/news/44520251_1_national-spot-exchange-ltd-forward-markets-commission-mcx-board

Also Available At:

http://www.moneycontrol.com/news/business/mcx-appoints-ex-cic-satyananda-mishra-as-its-chairman_998310.html

<http://www.latestnews-headlines.com/mcx-appoints-ex-cic-satyananda-mishra-as-its-chairman/>

<http://profit.ndtv.com/news/corporates/article-mcx-appoints-satyananda-mishra-as-its-chairman-373426>

<http://www.financialexpress.com/news/multicommodity-exchange-appoints-former-cic-satyananda-mishra-as-chairman/1200502>

28 NOVEMBER 2013

124) KIC seeks info from education department on school panels

Bangalore: November 28, 2013 DHNS

It's almost 16 years since the Karnataka Education Act (KEA) came into force, but till now a majority of schools have not yet formed the school management committees as mandated under the Act.

However, based on an RTI application, the Karnataka Information Commission (KIC) directed the Education department on Wednesday to provide information about the formation of school management committees in Bangalore North-III. The direction is more an order compelling the Department of Public Instruction (DPI) to set up the committees in every school of Bangalore North-III.

According to RTI applicant P Kalidas Reddy, the Karnataka Education Act, which came into force in 1997, mandates for every school in the State to set up management committee

comprising teachers, administrators, parents and students. The committee decides how to impart education, fee structure, checking corporal punishment and suggests schools about holding extra-curricular activities such as sports, drama, dance, music and painting competitions.

During the last hearing of the case on October 9 this year, the DPI officials stated that they provided the applicant with the list of schools in Bangalore North-III. However, Kalidas Reddy said the information he had asked for has not been provided yet. On November 27, the officers said they could not collect the information yet.

Information Commissioner Dr Shekhar Sajjanar directed the officials to come up with proper information about the implementation of the KEA rules pertaining to the management committees when the matter comes up for hearing after six months.

Source:

The Deccan Herald, <http://www.deccanherald.com/content/371465/kic-seeks-info-education-department.html>

125) Government issues guidelines for better implementation of RTI Act

Vijaysinh Parmar, TNN | Nov 28, 2013, 08.17 PM IST

RAJKOT: The Department of Personnel and Training (DOPT), Ministry of Personal public Grievances and pensions, government of India, issued a guideline and templates for better implementation of section 4 (1) (b) of the Right to Information Act (RTI) and asked the states and union territories to implement it to bring transparency into the administration at local level.

According to sources, in order to further improve the proactive disclosure, government of India constituted a task force on Suo Moto disclosure in May 2011 which included representatives of civil society organizations active in the field of RTI.

Sources said that section 4 (1) (b) of the RTI act lays down the information which should be disclosed by public authorities on pro active basis. The purpose of the pro active disclosure is to place large amount of information in public domain on a proactive basis to make functioning of the public authorities more transparent and also to reduce the need for filling individual RTI applications.

Though, experiences suggests that governments have not been implementing it and people have to file RTI applications which ideally should be available on pro-active disclosure where one need not to file an RTI application.

The task force recommended guidelines for disclosure by state governments along with templates for disclosure at various levels. Four Illustrative templates have been recommended for disclosures under Public Distribution System (PDS), Panchayats, MANERGA, Primary and Secondary schools. These four areas have been selected on the ground that they constituent some of the most significant services being provided at the ground level.

"The templates would not only improve the quality of disclosure but would also facilitate more transparency in governance" says Pankti Jog of Mahiti Adhikar Gujarat Pahal (MAGP), one of the constituents of Task force.

"If the guidelines and templates of pro-active disclosures implemented, it will help a lot to bring transparency in administration and lower the pendency of appeals before the Gujarat Information Commission (GIC) as citizen have to approach to GIC even in matters which should be available on pro-active disclosure" Jog said.

The templates and guidelines issued by government provide the methods about how the information at local level should be displayed or make available pro-actively.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/rajkot/Government-issues-guidelines-for-better-implementation-of-RTI-Act/articleshow/26536308.cms>

126) Info Commissioner pulls up officials

Visakhapatnam, November 28, 2013

Officials must extend their cooperation in brining the Right to Information Act to extensive use by people, but not many officials were forthcoming, Commissioner of Information of AP Lam Tantiya Kumari said after an inspection of Tehsildar's Office, Sub-Treasury, and Sub-Jail at Chodavaram on Wednesday. She pulled up officials for not properly registering details of matters concerning the RTI Act in the office records.

Ms. Tantiya Kumari said action would be taken against officials if they failed to provide information to petitioners. RTI activist Kandregula Venkataramana was present.

During her two-day review in the city, Ms. Tantiya Kumari found Andhra University not providing adequate information to the petitioners.

A large institution such as AU must have a Public Information Officer for every department and the Vice-Chancellor must act as the appellate authority.

Show-cause notice

She directed the Information Commission official to issue a show-cause notice to the Joint Registrar (administration) and to the officials of Damodaram Sanjeevayya National Law School for not providing information promptly to the applicants.

Inspects KGH

The Information Commissioner also inspected King George Hospital and wanted sanitation and hygiene be improved on the premises.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/info-commissioner-pulls-up-officials/article5400107.ece>

29 NOVEMBER 2013

127) 'Building plan order hides more than it reveals'

Clara Lewis, TNN Nov 29, 2013, 02.17AM IST Mumbai

Architects are strongly opposed to the new directive issued by state information commissioner Ratnakar Gaikwad terming them as dubious.

Gaikwad on September 29 had issued orders barring all public authorities in the state from providing building plans under the Right to Information Act.

Following a report in TOI, he then withdrew it issuing a revised order defining what could be provided under RTI. These include FSI statement, Coverage statement, Key plan showing marginal distances, Parking statement, key plan showing areas which are given free of FSI under balconies, staircase passages etc, Cross section of building, IOD/ CC, Occupation Certificate &

all other relevant details(except internal layout of the rooms in the building & interiors and internal detailing in the building).

Architect, town planner and civic activist P K Das said Gaikwad instead of saying what can be provided should have listed what is prohibited. It would have made his intention clear. There is no mention of floor plans which is more detailed. A key plan is only a summary and submitted for ease of computation. There is no mention of site and layout plans, fungible fsi, plans for mandatory open space reservations and areas free of fsi in the revised order."

Architect Nitin Killawala who has obtained construction plans of Metro Line I and II under RTI and exposed various short-comings in the plans and based on which a PIL has been filed said the revised order is absurd. It specifies information which is irrelevant while withholding interlinked plans and documents which make intentions obvious," he said.

Gaikwad said the revised order is very exhaustive. Please read my order dated November 21 very carefully. Even internal detailing/interiors can be insisted upon provided public interest is made out by the information seeker," he said.

The fact is that the building proposal (BP dept) is not the only authority on whose scrutiny IOD/CC are issued, said Killawala.. The BP department is mere a conduit whose job is to assimilate NOCs and sanctions from a maze of authorities and civil departments such as fire brigade, collector, assessment, traffic, city survey, water, sewage, tree authority, roads, civil aviation etc.

A PIL is currently being heard on the NOCs granted by the fire brigade across the city which instead of protecting lives endangers lives and property. Documents were again obtained under RTI.

Every department scrutinises plans and documents, independently, and approves the same in utmost corrupt manner," said Killawala.

The architect said the Concession Report_ which summarises all the above approvals as well as various scrutiny fees, premiums, deposits, etc. by the government has been unscrupulously not mentioned in the list of information to be issued.

He further said the FSI statement in isolation is not significant because it does not state free of FSI areas. These FSI free areas are integral part of the calculation and specifically shown in the

plans and area diagrams. As such most violation are done in approving such FSI free spaces," he said..

Similarly - Cross Sections - may indicate height or number of floors of the structure but always drawn in conjunction with the plans which shows various planning provision and users. Thus the plans are very important document.

The violations exposed by activists based on documents obtained through RTI are so serious it forced the BMC to change the Development Control Rules in.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-29/mumbai/44574166_1_fsi-fire-brigade-plans

30 NOVEMBER 2013

128) 'Must reply to RTI query on person's life in 2 days'

Shemin Joy, NEW DELHI, Nov 30, 2013, DHNS

DoPT update also asks seekers to be very specific

Thirty days may be the window for replying to an RTI query in normal circumstances but if the information sought concerns the life or liberty of a person, it should be given within 48 hours.

The Department of Personnel and Training (DoPT) has come out with an updated guide on the RTI Act, which also asks the information seeker not to list out grievances in the RTI application but clearly mention which information or record he would like to seek.

According to the guide, which is updated now, it is a mandatory measure according to the Section 26 of the transparency law to provide information to a citizen who wishes to use the RTI Act in an easily comprehensible form and manner.

However, the DoPT has said that in the event of a conflict between the guide and government orders or instructions on the subject, the latter would prevail. A senior government official said many in the bureaucracy and public are not aware of the 48-hour deadline for RTI reply in certain circumstances.

“In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours,” the guide said.

In the instructions for information seekers, the guide said if the drafting of the application was such that it pinpoints towards the specific documents required in relation to the information sought, there would be less scope of ambiguity, thereby resulting in less chances of denial of information by the Public Information Officer.

“For example, instead of simply asking why my area is not being cleaned, cleaning schedule of the area should be asked. Similarly, instead of asking when we will get water supply, water supply planning of the area should be asked,” it said.

The guide also said a citizen has the right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs, provided such information is already stored in a computer or in any other device.

Source:

The Deccan Herald, <http://www.deccanherald.com/content/372115/039must-reply-rti-query-person039s.html>

129) Right to Information not for research: Government

Aman Sharma, ET Bureau Nov 30, 2013, 03.56AM IST New Delhi

The government is not supposed to conduct 'research' on behalf of the citizen in response to Right to Information (RTI) pleas by way of deducing a conclusion from available material, states an update on the RTI Act, 2005 prepared by the Department of Personnel and Training.

Apparently exasperated by 'vague' RTI pleas, the DoPT has laid out rules on what is supposed to be entertained by Public Information Officers (PIOs). "Some information seekers request PIOs to cull out information from document(s) and give such extracted information to them. A citizen has a right to get 'material' from a public authority, however, the Act does not require the PIO to deduce some conclusion from the 'material' and supply it to the applicant," the update states.

The DoPT document also says that PIOs are "not supposed to create information" that is not a part of the record of the public authority. "The PIO is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or

to solve the problems raised by the applicants; or to furnish replies to hypothetical questions," the document says, stressing only such information can be supplied that is "available and existing".

DoPT also wants citizens to not list out their grievances in the RTI plea and rather be more specific on what information they need to avoid ambiguity. "Instead of simply asking why my area is not being cleaned, cleaning schedule of the area should be asked. Similarly, instead of asking when we will get water supply, water supply planning of the area should be asked," the document says.

The government has also clarified that the RTI Act gives the right to information only to the citizens of India and not to corporations, associations or companies - which have been filing RTIs in vain. "They are legal entities or persons, but not citizens. However, if an application is made by an employee or office-bearer of any corporation, association, company or non-government organization indicating his name and citizenship, information may be supplied to him. In such cases, it would be presumed that a citizen has sought information at the address of the corporation," the DoPT guidelines says.

The guide also says that the government has issued guidelines that certain categories of information should be suo-moto published on their websites by public authorities to avoid RTI pleas regarding them. This includes details on foreign tours of prime minister, ministers and senior officers, information relating to procurement, public-private partnerships, transfer policy and transfer orders and discretionary and non-discretionary grants.

Source:

The Economic Times, http://articles.economictimes.indiatimes.com/2013-11-30/news/44596382_1_rti-act-dopt-pios

130) 'RTI pleas piling up at CM's office'

Kochi, November 30, 2013 K. A. Shaji

State Information Commission says 33 applications have been pending with CM's office.

Notwithstanding the claims of Chief Minister Oommen Chandy about the speed and transparency with which his office dealt with files and petitions, the State Information

Commission has stated that 33 cases of Right to Information (RTI) applications have been pending with his office for quite some long time. The 170 meeting of the State Information Commission held last week, presided over by Chief Information Commissioner Siby Mathews, has decided to write to the private secretary of the Chief Minister “asking him to apprise” Mr. Chandy of the matter.

According to sources at the commission, the pending queries comprise those relating to a set of controversial decisions taken by the Chief Minister and his office in the solar power scam and Aranmula airport cases.

“It is quite disappointing to see that the Chief Minister’s office is refusing to answer RTI queries when the Chief Minister himself is talking about taking speedy decisions. The commission has written many times to the office to speed up the process. But nothing has happened so far,” said D.B. Binu, a Kochi-based RTI activist.

As per the minutes of the 170 meeting of the commission, a number of other offices and departments are also not furnishing data called for by it and so its annual report for 2011-2012 was getting delayed. The commission has also decided to write to the Chief Secretary asking him to expedite action.

“Getting government officials to be proactive to RTI is a difficult task. Many are yet to understand its importance and relevance,” said M.N. Gunavardan, information officer. The commission has also decided to amend confidential reports of all gazetted officers in the State by incorporating their attitude towards dealing with RTI applications.

There must be mention about penalisation if any by State Information Commission in the confidential report. It has also suggested that the government include one paper on RTI in the mandatory department tests for promotion.

Source:

The Hindu, <http://www.thehindu.com/news/cities/Kochi/rti-pleas-piling-up-at-cms-office/article5405853.ece>

PENALTIES IMPOSED

12 NOVEMBER 2013

131) 1 year on, SIC's call for CB-CID investigation remains unheard

Neha Shukla, TNN Nov 12, 2013, 03.07AM IST

LUCKNOW: In another low for the RTI Act in UP, State Information Commission's order for a CB-CID probe to establish the veracity of one of the GOs has gone without effect. Administrative Reforms Department (ARD), to which the order was directed, has been debating for the last one year whether SIC is within its powers to order a CB-CID probe or not. The case is listed for hearing at the commission, yet again, on Tuesday.

The matter is about two GOs issued by ARD under similar file number (no-882/43-2-2008-15/2(3)/07 TC-III) on July 3 and 7, 2008 respectively. ARD says GO dated July 7, 2008 is genuine, but the one issued on July 3, 2008 is "wrong and fabricated" as it has not been "undersigned" by any government official. The applicant, Salim Baig, on the contrary, said he got the two GOs through a query made under the Right to Information Act. The GOs concern the state-level committee constituted under the provisions of the RTI Act, to regularly review the orders passed by SIC and fine imposed by it on erring departments.

After ARD failed to explain how two GOs can be issued under same file number but under different dates, SIC, on January 23, 2012, ordered a CB-CID probe in the matter. However, more than a year later, ARD could not obtain the opinion of the law department on the case, leave alone acting on it.

Though it also sought the permission of chief minister to act on SIC order, it fails to explain why it did not act to find out which of the two GOs is right.

The controversy lies with the para-2 of the GO dated July 3, 2008, that reads - "state level committee will go for monthly/quarterly review of the orders passed/fine imposed." The GO dated July 7, 2008 has the para missing. While, on one hand, ARD said it could be a typing error that para-2 was omitted, it maintained that July 3, 2008 order was fabricated.

It is noteworthy that between 2008 and 2011, the state-level committee did not meet even once to review RTI cases.

As a result, between 2007 and February 2011, though SIC imposed Rs 1.89 crore as fine on public information officers of government departments in 827 cases, it realized only Rs 3.39 lakh from 18 officials.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/lucknow/1-year-on-SICs-call-for-CB-CID-investigation-remains-unheard/articleshow/25608457.cms>

13 NOVEMBER 2013

132) 200 govt officers penalized for improper RTI responses

PTI Nov 13, 2013, 06.45PM IST

VIJAYAWADA: Ever since the inception of the Right To Information (RTI) Act, 200 Andhra Pradesh government officers have been penalized for giving improper responses to RTI applicants, RTI Commissioner L Tantiya Kumari said here today.

Most of the cases pending in the state under RTI are from the departments of higher education and social welfare, she told reporters.

She revealed that 1200 cases are pending in higher education and another 400 cases are pending in the social welfare department.

She said that government officials should abide by the Act and be responsible to the public.

Earlier, she conducted an enquiry on 52 pending cases from Krishna, Guntur and Prakasam districts.

Source:

The Times Of India, <http://timesofindia.indiatimes.com/city/visakhapatnam/200-govt-officers-penalized-for-improper-RTI-responses/articleshow/25709926.cms>

Also Available At:

<http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/rti-progress-of-cases-reviewed/article5349892.ece>

14 NOVEMBER 2013

133) Here's a lesson: Govt college principal fined Rs. 25k for not giving info under RTI

Shailee Dogra, Hindustan Times Chandigarh, November 14, 2013

Dr JS Raghu, principal of the Post-Graduate Government College (PGGC), Sector 11, has been fined Rs. 25,000 by the Central Information Commission for not providing a reply to a professor's Right to Information (RTI) plea.

The professor, Dr Rajiv Bhandari, had filed an appeal with the panel after he was not given his annual confidential reports (ACRs), which are effectively performance appraisals, for the past eight years. In the appeal, Bhandari said that principal Raghu, in his capacity as the central public information officer (CPIO) for the institute, had withheld the information that he had sought in 2012 about his ACRs and the contents of the ACRs of his colleagues.

Bhandari said that, in a bid to harass him, the principal sought information regarding his identity despite him being employed with the same college. The principal had referred the matter to the director of higher education department, seeking a clarification regarding the disclosure of the requested information, even when there is no such provision under the RTI Act.

The CIC, in its order of November 11, dismissed the principal's contention that he was "ignorant" of RTI provisions: "He (principal Raghu) failed to provide photocopies of the appellant's (Bhandari's) own ACRs to him and instead referred the matter to director, higher education... Commission cannot accept his plea that he is ignorant of the provisions of RTI Act... The plea of ignorance pertaining to the Supreme Court decision of 2005 regarding disclosure of ACRs even after seven years of this decision is also not tenable."

Source:

The Hindustan Times, <http://www.hindustantimes.com/punjab/chandigarh/here-s-a-lesson-govt-college-principal-fined-rs-25k-for-not-giving-info-under-rti/article1-1151371.aspx>

21 NOVEMBER 2013

134) MCC Asst. Commissioner fined for failing to respond to RTI query

Mysore, Nov. 21

Sending a clear message to officials who fail to respond to queries under the Right To Information (RTI) Act, the Karnataka Information Commission has imposed a fine of Rs. 10,000 on a Zonal Assistant Commissioner of MCC for failing to respond to an RTI activist who sought information on a building allegedly built illegally on government land in city.

The penalised official is B. Nagaraj, Assistant Commissioner of Zone 4 MCC office who is also the Public Information Officer of the Zone.

Apart from the fine, the Commission also instructed that Rs. 5,000 each be deducted from Nagaraj's salary for the months of November and December.

The Commission, taking note of the complaint, issued a notice to Nagaraj under Section 20(1) of the Right to Information Act, 2005, asking him why disciplinary action should not be initiated. To this, Nagaraj failed to provide information to the activist, besides abstaining from the inquiry. The Commission then concluded that Nagaraj had deliberately denied information to the activist.

The illegal building

The RTI had sought information on the building housing the office of M.N.G.T. Loaders' Association on a government land on the road from Ideal Jawa factory to Brindavan extension in Yadavagiri Industrial Area in city.

It is learnt that the disputed building is built on an area reserved for widening of the road in the limits of MCC Zone-4.

Source:

<http://www.starofmysore.com/searchinfo.asp?search1=38282&search2=newsheadlines>

25 NOVEMBER 2013

135) Official found guilty of delaying RTI reply

Kochi, November 25, 2013 K.A. Shaji

The State Information Commission has sent a notice to former public information officer of Kochi Corporation R. Sreekumar as a prelude to initiate action against him under Section 20 (1) (2) of the RTI Act.

The commission found that he wilfully delayed replying to an RTI query. Mr. Sreekumar is presently working as an executive engineer at the corporation central zone. According to the commission officials, notices are mandatory before each punishment. The commission can impose a maximum of Rs. 25,000 on the erring officer besides recommending department-level disciplinary actions. It was Chief Information Commissioner Siby Mathews who found Mr. Sreekumar of wilfully delaying the reply.

According to petitioner Bobby Kavalam, a resident of Pundit Karuppan Road in Thevara, he submitted an RTI query to the corporation's Public Information Officer on April 10, 2012.

He wanted to know which authority of the corporation permitted installation of cellular telephone towers atop buildings and institutions. Mr. Bobby also wanted to know about the procedures being adopted by the corporation while allowing such installations.

On May 8, 2012, Mr. Sreekumar replied to him saying no file containing the issue was found at corporation office and so the application would not be considered. When Mr. Kavalam filed an appeal with the appellate authority of the corporation, he got a reply that the query did not come under the RTI Act. The reply also said the earlier reply by Mr. Sreekumar was in conformity with the law. Allowing the appeal by Mr. Kavalam, Siby Mathew said the query was within the provisions of RTI and the official was bound to give proper reply. The information sought was related to a normal task undertaken by the corporation, he said. Apart from punishment to Mr. Sreekumar, the commission directed the present public information officer to give all the details related to the query to the petitioner within seven days.

Query about who authorises the installation of mobile towers atop buildings put off.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/official-found-guilty-of-delaying-rti-reply/article5388454.ece>

28 NOVEMBER 2013

136) Noida Authority Fined For Denying Info Under RTI

The Noida Authority has been slapped with monetary penalty of `25,000 for not furnishing details pertaining to land acquisition under Right to Information. Such was the lackadaisical attitude of the authority that the petitioner Rishi Raj, a Government employee, was denied information for nearly 18 months.

He had in July 2012 sought details of the farmers of Kaundly Bangar village whose land had been acquired by Noida Authority. He had also sought names of farmers who were allotted 5 per cent plots in lieu of the acquired land. The Public Information Officer (PIO) of the authority, failed to provide information within the stipulated time. The applicant filed two appeals on September 26, 2012 and February 27,2013 to direct authority to provide the requested information and impose penalty on the erring officials.

Source:

The Pioneer, <http://www.dailypioneer.com/city/noida-authority-fined-for-denying-info-under-rti.html>

29 NOVEMBER 2013

137) Slaps penalty of Rs 15000 on Secretary Housing Board

SIC takes serious note of RTI Act violation

11/29/2013 10:55:18 PM Early Times Report Jammu, Nov 29:

In its crusade to ensure implementation of the Right to Information Act 2009, the State Information Commission (SIC) has slapped a penalty of Rs 15000 on the Secretary of J&K Housing Board as he failed to provide information to an RTI applicant within the stipulated time of 30 days. The penalty amount would be deducted from the salary of the Secretary who is also the Public Information Officer (PIO) of the J&K Housing Board in two equal installments. As per details one R.L. Sethi a resident of Mohalla Afghan, Jammu had filed an RTI application to seek some information before the Managing Director (MD), J&K Housing Board on 22.02.2011 which was received in the office of Managing Director on 22.02.2011. The MD was

under legal obligation to forward the application to the Secretary cum Public Information Officer (PIO) within 5 days of the receipt of the application and the PIO had to pass an order within a maximum period of 35 days including the period of forwarding. The records reveal that MD had not forwarded the RTI application to the PIO within 5 days. The order was to be passed on 27.3.2011 which was not done. The PIO Housing Board woke up only after receiving the State Information Commission notice dated: 27.5.2011.

Having failed to receive any information, the complainant filed complaint before the State Information Commission (SIC) on 8.4.2011 requesting therein for looking into his case and for further necessary action against the defaulter. Registry of the Commission issued 7 days notice to the PIO vide No: SIC/J/Comp/87/2011 dated: 27.5.2011. Secretary of the Housing Board responded to the notice of the Commission vide his letter No: HB-1510-11 dated: 22.6.2011 with a copy to the appellant R L Sethi.

The Registry of the State Information Commission accordingly fixed hearing of the case and the Commission in its decision dated: 18.8.2011 directed the PIO to explain within one month's time the reasons for not imposing penalty on him under Section 17 of the State RTI Act 2009 for delaying the information. The PIO vide his letter dated: 25.8.2011, received in this Commission on 9.9.2011, has pleaded that the office premises of J&K Housing Board was under "major renovation for the last more than one year with the result most of the record remain in an un-organized manner and had requested for condonation of the delay.

The order passed by CIC G R Sufi on 19th Nov 2013 reads as: "From the reply of the PIO it appears that the PIO has shown total disregard to the provisions of the law refusing to discharge his statutory duties on frivolous grounds. It has nowhere been established that the office was closed and non operational during the renovation period. He has failed to give any reasonable and justified explanation. Therefore the Commission in accordance with the powers vested in it under Section 17 of the State RTI Act holds PIO R.P Sharma of J&K Housing Board, Jammu to be in default in terms of Section 6 read with section 17 of the State RTI Act and hereby impose penalty on him which is calculated as under. The delay in passing an order is 85 days. There may, however, be some dislocation of records resulting in some delay. However, it cannot be imagined that there will be delay of 85 days and the officer did not attend any other work. The intention of the officer in not complying with the provisions of the State RTI Act are clear that

till the Commission issues notice, he does not do any action for passing the order. He should have informed the complainant that because of renovation being done in the office, there may be some delay.

Nothing of the sort has been done. Therefore, taking an overall view, delay is restricted to two months giving the benefit of doubt to the PIO for any minor dislocation of the record during the period of renovation in the office:-

1. No of days of default 85 days
2. Delay restricted to two months i.e 60 days
3. Penalty to be imposed for each day from the date of receipt of application i.e 22.2.2011
Rs. 250/- per day to date of providing the information 22.6.2011
4. Total amount of penalty imposed Rs. 15000/-

The Drawing and Disbursing officer of J&K Housing Board will ensure deduction of penalty amount of Rs. 15000/- (Rupees Fifteen thousand only) from the salary of Shri R.P. Sharma Secretary-cum-PIO in two equal installments from the month of December 2013 and January 2014 and remit it to the Government Account Head "0070-other administrative services" with an intimation to this Commission. The DDO is further directed to submit a compliance report along with a copy of deduction certificate/challan with TV No and date to this Commission within 5 days of the compliance ".

Source:

<http://earlytimesnews.com/newsdet.aspx?q=118446>

Attacks on RTI Users and Activists

01 NOVEMBER 2013

138) Jail officials in a spot over Zahida, Saba's security

TNN | Nov 1, 2013, 02.59 PM IST

INDORE: Officials of Central jail, Indore, including superintendent are in a tight spot over alleged beating and torture of prime accused in RTI activist Shehla Masood murder case-Zahida Parvez and Saba Farooqui. Special CBI court is going to write a letter to DG Jail for making proper security arrangements of the under trial accused Zahida and Saba. Accused Saba Farooqui through her counsellor has given a complaint in court against jail superintendent Sheffali Tiwari, jail security guards Ujjwala, Sevanti Bai, Sangeeta and ten others, alleging beating and threat to life.

Counsellor of Saba Farooqui, Sunil Shrivastav said as per the rule, an FIR by undertrial can be filed only through court. So they have given complaint against jail official on which court will instruct the police officials concerned to investigate the matter and file FIR against accused official.

Zahida and Saba while coming out of the court alleged that their life is under threat in jail as jail officials are conspiring against them. They alleged that appointment of jail superintendent Sheffali Tiwari is a part of the conspiracy and they were attacked inside jail as per the conspiracy.

Earlier, Zahida and Saba had fight with the jail officials and later duo were booked for fighting with the jail officials. On this, the accused stated in the court that they were attacked on which the court asked jail officials to submit medical report of accused.

Shrivastav said the medical report submitted before court clearly said that Zahida and Saba had sustained injuries and it was enough to prove that they were attacked and framed by the jail officials.

Shrivastav added that a week back he along with other advocate had met governor of Madhya Pradesh and apprise him of the issue. On this, governor wrote a letter to DG jail, home secretary and chief minister asking them to make proper security arrangement of under trail accused in jail and give him the status report.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/indore/Jail-officials-in-a-spot-over-Zahida-Sabas-security/articleshow/25057960.cms>

05 NOVEMBER 2013

139) BJP MP from Gujarat arrested for RTI activist's murder

PTI New Delhi, November 05, 2013

CBI on Wednesday arrested BJP MP from Gujarat Dinu Bogha Solanki in connection with the murder of of RTI activist Amit Jethwa who had waged a crusade against illegal mining in Gir Forest in the state, the last home of Asiatic lions.

Solanki, Lok Sabha member from Junagarh, Gujarat, arrived at the CBI headquarters this morning and was questioned throught the day, after which a CBI team decided to place him under arrest.

CBI spokesperson Kanchan Prasad said "the Lok Sabha MP from Junagadh has been taken into custody in the case of murder of RTI activist Amit Jethwa.

"He will be produced in a Delhi court tomorrow. Probe in the case is in progress", he added.

CBI sources said the parliamentarian was unable to give satisfactory answers after which it was decided to place him under arrest.

Gujarat Police had arrested six persons, including Shiva Solanki, nephew of the BJP MP, and sharp shooter Sailesh Pandya who had shot at Jethwa outside the Gujarat High Court. All of them were questioned by CBI inside a jail after taking permission from the designated court.

Jethwa was an RTI and environment activist who had filed numerous RTI applications and a PIL against illegal mining in Gir forest region. He was shot dead on July 20, 2010.

The MP was confronted with the statements given by other arrested accused in the case.

The BJP MP had been given a clean chit by Crime Branch of Gujarat Police prompting the father of the deceased to approach the Gujarat High Court.

Source:

The Hindustan Times, <http://www.hindustantimes.com/india-news/bjp-mp-from-gujarat-held-for-rti-activist-s-murder/article1-1147640.aspx>

Also Available At:

<http://www.channelnewsasia.com/news/asiapacific/indian-police-arrest/876190.html>

06 NOVEMBER 2013

140) “Encounter killings” of RTI activists.....Gujarat tops charts

Prashant Panday 06 November 2013, 09:40 AM IST

Dinu Solanki, sitting BJP MP of Junagadh, and a close associate of Amit Shah (Modi’s most trusted), was arrested by CBI for the murder of Amit Jethwa, an RTI activist for seeking to expose his illegal mining activities. While one would surely worry about such an incident, one wouldn’t attach too much importance to it if it were just a single, isolated incident. A small Google search however reveals that Gujarat occupies one of the top slots in the list of states where RTI activists have been killed in recent years

But before going into that, it must be put on record that Gujarat is a laggard in the implementation of the RTI Act. Let’s accept it. The RTI Act is a pain point for politicians. The UPA government – which enacted it incidentally – has “suffered” as activists have unearthed documents and scams using it. It is these revelations that the BJP has used to pan the Congress nationally. However, thanks to the communication deficiency of the Congress, the BJP has gotten away scot free for its own mindblowing record of attacks on RTI activists.

Wikipedia (<http://tinyurl.com/b8vhdr8>) gives a full listing of RTI activists harassed, assaulted and killed in recent years. A quick scan of those “killed” reveals that 5 out of some 23 odd killed in recent years (22%) were from Gujarat. Isn’t that rather surprising considering just how peaceful Gujarat is supposed to be? An equally high 10 out of some 51 cases – nearly 20 – of “assault” cases are also from Gujarat, a state that accounts for barely 5% of India’s population. In contrast, the known “danger” pockets – UP, Bihar, Jharkhand – account for barely a handful of assaults and killings.

There is also this other minor detail that must be brought up. That Gujarat has for long had a huge deficit in RTI Commissioners. Even today, as per the CIC website (<http://tinyurl.com/d5gx3pv>), Gujarat has just 2 CICs as compared to 8 and 9 in Maharashtra and TN respectively and more than 5 in most other big states. Narendra Modi’s mantra has been

simple – what is all this RTI rubbish? If it hadn't been for a constitutional necessity to follow the laws of the land, Modi would have done away with the RTI totally! It's the same with the Lok Ayukta, another painful body that tends to stop a government in its tracks. Why have a Lok Ayukta at all? Gujarat hasn't had one since 2003! These are key elements in the Gujarat model that Modi is promising us all.

What was Amit Jethwa's crime? Wikipedia (http://en.wikipedia.org/wiki/Amit_Jethwa) writes this about him "*Amit Jethwa (1975 – 20 July 2010) was an Indian environmentalist and social worker, active in the Gir Forest area near Junagadh, Gujarat. He had filed several court cases against illegal mining in the protected area, naming Bharatiya Janata Party (BJP) member of parliament, Dinu Solanki as one of the respondents*". Well, Jethwa had become a pain for Modi's government "*In 2010, Jethwa had filed a PIL petition questioning the state government's "inaction" over the appointment of a Lokayukta. The high court directed the government to appoint a Lokayukta. Jethwa had spearheaded the campaign against rising case pendency in the Gujarat Information Commission (GIC) due to lack of commissioners. It was on his petition that the HC directed the state government to complete the appointments within a stipulated time*". Something had to be done.....

Specific to the case that got him killed "*Since 2008, Jethwa had filed six requests under the Right to Information Act, probing the activities of an illegal mining lobby operating in the protected forest area just outside the Gir Forest National Park. At the time, Jethwa was badly beaten up by goons, allegedly from Solanki's party. In mid-2010, he filed a Public interest litigation in the Gujarat High Court, citing evidence found, and naming local BJP politician Dinu Solanki and several relatives, for involvement in the illegal mining in the Gir Forest*".

Further "*Jethwa's family has alleged that he was under constant threat from Dinu Solanki for interfering with the powerful and illegal mining lobby in Saurashtra. At one point Solanki threatened him in front of a large gathering at a meeting in Kodinar, the area Solanki hails from. Jethwa had recently filed an affidavit at the Kodinar police station seeking protection and stating that he would be killed by Solanki. His father recently received a threatening phone call from Dinu Solanki*".

And as is increasingly common in Gujarat – a lack of credibility of the government's law and order machinery – "*A number of civil bodies and NGOs held a vigil in Ahmedabad on 21 July,*

*seeking an **independent** investigation*". Well, none of that proved effective in saving Jethwa's life. Gujarat's BJP leaders – which includes the likes of Maya Kodnani and scores others accused and held guilty of the riots in 2002 – have a free reign in this state of Mahatma Gandhi. Would Sardar Patel have tolerated this? Is Narendra Modi really the "Chhote sardar" that he likes to have himself called? Crap....

The real truth is that Gujarat used to be a peaceful state. But in the last decade or so, it has morphed, becoming dangerous for anyone who dares to bring out the evil shenanigans of the state government. 2002 may have represented the worst of this.....but there are many other smaller parts to the story. Whether it is Haren Pandya, or Sohrabuddin or Tulsiram Prajapati.....or Amit Jethwa, they learnt of this too late. This is not Vibrant Gujarat....this is Killer Gujarat.

Source:

The Times of India, <http://blogs.timesofindia.indiatimes.com/the-real-truth/entry/encounter-killings-of-rti-activists-gujarat-tops-charts>

10 NOVEMBER 2013

141) RTI activists fighting fear, fiercely

Sunday, Nov 10, 2013, 12:24 IST | Place: Ahmedabad | Agency: DNA Mallika Sarabhai

My heart goes out to Bhikhubhai whose relentless efforts have finally paid-off. Unlike Haren Pandya's father, who died with his mission of finding justice for his slain son incomplete, Bhikhubhai's search for justice for his slain RTI activist son Amit Jethava has resulted in the arrest of a BJP MLA. For nearly five years, Bhikhubhai went from forum to forum, village to village, seeking clues for his quest in bringing the killers to book, in spite of his failing health.

Gujarat seems to be leading as far as threats and murders of RTI activists are concerned. Two young men, Jayesh Barot and Yogesh Shekhar who protested against the illegal building activity in Halol and Kalol regions were murdered. The incident took place after they filed an RTI application and yet no one has been caught or punished. Similarly, Vasram Dodiya was murdered before the information from Torrent Power in Surat could reach him, making his RTI null and void.

Nadeem Saiyad, a Juhapura resident, and a witness to the 2002 genocide lost his life unceremoniously. He was fighting against the builders involved in illegal construction in the Naroda Patiya area. The day before his broad daylight murder, he had stopped the police from arresting innocent youngsters accused of cow slaughter, and directed them to the real culprits. He was brutally murdered the next morning, while buying a newspaper next to his house. A week before he was murdered, Saiyad stopped my car and told me: “They are after me. I can feel it. If I am killed, know that these lobbies have done it.”

In Kutch, Jabbardan Gadhvi, another activist, received several threats for the RTIs he filed. He repeatedly asked the police to intervene and protect him but in vain. With no help from the authorities, he set himself ablaze outside the Mamlatdar’s office.

Recently, a Mumbai-based activist, fighting illegal land-possession was kidnapped and taken to Surat where he was beaten unconscious. He is still recovering in the hospital.

Additionally, activists like Ketan Shah, Bhagubhai Devani, Bhanubhai Adodar, Nathabhai Sukhadia and Maheshbhai from Mahua have had threats to their lives and escaped with major injuries.

Most, if not all, cases of attacks on RTI activists remain unsolved, while many are neglected totally.

And yet, the most powerful tool that a citizen in a democracy has that makes the government accountable for its actions, is the Right to Information Act. In one single law, the citizen has been given the right to ask and to get answers. It is apparent, therefore, that those in power be it the departments or functionaries who have been looting our treasury and us citizens are hell bent on stopping their deeds from being uncovered, and their golden goose killed. It’s unbelievable that any honest officer, department or ministry would otherwise be unwilling to be transparent.

Only those with dirt to hide become opaque.

With these slew of killings and attacks; the dissolution of the Gujarat act and the Lokayukta’s position by the government’s recent moves, it should become obvious to the most innocent observer that government is trying hard to hide reality behind the state’s huge indebtedness and spending, and not let citizens know about it.

But are the RTI activists scared of these gunda tactics? Far from it. In fact, they have come together to form the Gujarat RTI Activists’ Association to strengthen their force, and give

courage and protection to each other. I was thrilled to see a full house of empowered activists; people from all walks of life urban and rural from every part of Gujarat, educated and not alike participating in a meeting of the association held on October 19 at the Gandhinagar Town Hall. These are courageous people involved in making the society transparent and answerable. Let us support them and their activities wholeheartedly.

The writer is a noted danseuse and social activist

Source:

DNA INDIA, <http://www.dnaindia.com/analysis/column-rti-activists-fighting-fear-fiercely-1916775>

16 NOVEMBER 2013

142) Govt faces HC ire over land case related to death of RTI activist

Saturday, Nov 16, 2013, 10:58 IST | Agency: DNA Urvi Mahajani

The state government has drawn the ire of the Bombay high court (HC) for seeking adjournment in a case which possibly led to the murder of RTI activist Satish Shetty.

“You (government) want an excuse. You fail to reply to (a) crucial question as to how someone, who received compensation from the government (for land acquisition), managed to sell the land again,” said justice ML Tahilyani.

The HC was hearing a plea by Central Bureau of Investigation (CBI), seeking permission to reopen and reinvestigate the case based on Shetty’s complaints closed by Pune rural police, terming them baseless. The HC has sought an explanation from the state as to on what basis the complaints were closed.

CBI’s counsel Hitendra Venegaonkar said the probe agency concluded that the motive behind Shetty’s murder was linked to complaints lodged by him and, so, it wants permission to reopen the case.

Source:

DNA INDIA, <http://www.dnaindia.com/mumbai/report-govt-faces-hc-ire-over-land-case-related-to-death-of-rti-activist-1919989>

22 NOVEMBER 2013

143) Bhagalpur youth killing linked to RTI?

TNN Nov 22, 2013, 02.04AM IST

PATNA: The murder of a 31-year-old RTI activist in Bhagalpur district 11 months back has now turned out to be a killing for seeking information under the RTI Act.

Rajesh Yadav of Bakerpur under Peerpainti block in Bhagalpur district was strangulated to death by unknown person on December 12 last year, two days after he submitted a complaint to the CM secretariat. His petition seeking information about alleged corruption in distribution of money for house construction under Indira Awas Yojana has been pending before the State Information Commission (SIC) since May 2012.

When Yadav's case came up for hearing on Thursday, the SIC was shocked to learn that the applicant was murdered eleven months back. Yadav's ageing father told the SIC his son was killed by vested interests who had been coercing him to withdraw his application from SIC. "He was killed soon after his return from Patna where he had come to submit a petition to the CM secretariat which contained charges against local officials for their involvement in the IAY corruption," his father said.

The case came up before information commissioner Vijay Raghvan, who was moved by the statement of the victim's father and directed that the Bhagalpur DM be directed to order a probe into the killing and find out the involvement of people other than the six accused named in the FIR, who are mostly petty contractors. No one has been so far arrested. Raghvan, however, closed the case of information.

Eminent RTI activist Shiv Prakash Rai said, "The number of the cases of harassment of RTI workers and information seekers is increasing simply because the government offices and SIC are doing their job to provide information." At least 350 cases of the harassment of RTI workers are listed with the SIC and so far six activists have been murdered in the state since the enforcement of RTI Act, he said.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-22/patna/44364536_1_rti-act-state-information-commission-sic

Also Available At:

<http://www.rtiindia.org/forum/116781-rti-happenings-bihar-bhagalpur-youth-killing-linked-rti.html>

23 NOVEMBER 2013

144) Jharkhand: Principal ‘attacks’ crusader of RTI

Saturday , November 23 , 2013 OUR CORRESPONDENT

A former student of Jamshedpur Women’s College who went to file an RTI application on BEd enrolment was allegedly hit with a steel ruler till she bled by the principal on Friday morning.

Nalini Sinha, also a Youth Congress activist, was taken to MGM Medical College and Hospital and released after first aid. Later, she lodged an FIR with Bistupur police accusing principal Sumita Mukherjee of “murderous assault”.

Bistupur OC Awdhesh Kumar Yadav confirmed the FIR against Mukherjee.

“The complainant has alleged murderous assault. We are looking into the matter and most probably will register a cognisable case on the basis of the FIR,” he said.

However, till the filing of this report, no case had been registered against the principal. The officer added that Sinha had furnished her injury report and they would visit the campus to look into the CCTV footage before registering a case.

A section of college staff claimed that the RTI application was a ploy to malign Mukherjee.

Sinha denied the allegation. “When I met her (Mukherjee) around 11.30am, she refused to accept my application. When I asked why she wouldn’t, she started hitting me with a steel ruler lying on her table. My arm was slashed. I had to rush out,” the former student said.

Sinha, who studied in the college till 2005, added that she had information about irregularities in the BEd admission process.

Principal Mukherjee denied the charges though she admitted having met Sinha in the morning.

“There is a head clerk in my office and I asked the young woman to submit the RTI application to him. She left my chamber soon thereafter,” she said.

Students refused to speak to the media on the issue.

Source:

Telegraph,http://www.telegraphindia.com/1131123/jsp/jharkhand/story_17601715.jsp#.UpLkFNLTzIZ

Also Available At:

<http://www.rtiindia.org/forum/116800-rti-happenings-jharkhand-principal-attacks-crusader-rti.html>

26 NOVEMBER 2013

145) Solanki's judicial custody extended

AHMEDABAD, November 26, 2013

A CBI court on Monday extended till December 9 the judicial custody of Junagadh BJP MP Dinu Bogha Solanki, arrested in RTI activist Amit Jethwa murder case.

Jethwa had filed several RTI queries and also a PIL in the Gujarat High Court with regard to illegal mining in Gir Forest, the abode of Asiatic Lion.

Solanki was arrested by the CBI in Delhi earlier this month for his alleged involvement in the killing of the activist and was brought to the city the next day on a transit remand.

The CBI, which had initially sought his 14-day custodial remand for further interrogation, was granted four-day remand.

After the remand period expired, the investigating agency produced him before the Court but did not seek further remand, following which ACJM H. S. Khutwad sent him to judicial custody till November 25.

ACJM Khutwad on Monday extended Solanki's judicial custody till December 9.

The case was initially probed by the Gujarat Police, who had arrested six persons, including the MP's nephew Shiva Solanki and alleged sharp-shooter Sailesh Pandya. Pandya is accused of gunning down Jethwa outside the Gujarat High Court on July 20, 2010.

However, the police had ruled out the possibility of Solanki's involvement in the crime and gave him a clean chit, following which the slain activist's father approached the High Court.

The High Court termed the police probe as "far from fair, independent, *bona fide* or prompt" and transferred the case to the CBI. - PTI

The BJP MP arrested in RTI activist Amit Jethwa murder case

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/solankis-judicial-custody-extended/article5391872.ece>

30 NOVEMBER 2013

146) RTI activist Shehla Masood murder case

TNN Nov 30, 2013, 05.38AM IST

AURANGABAD: Mahiti Seva Samiti, an NGO of RTI activists, has decided to organise an awareness campaign on December 10, in the form of a vehicle rally against growing corruption. They will highlight issues and suggest modes to check corrupt practices.

President of Mahiti Seva Samiti, Suresh Menchirel, said, "A mass 'vehicle rally' has been organised to campaign against corruption and injustice. The rally will be launched across the state. In Aurangabad it would start from Kranti Chowk and culminate at Baba Petrol pump."

He said, "The committee is working voluntarily across India to create awareness about legal assistance, awareness to the under privileged citizens of India with a special focus on women, children, labour force, disabled and weaker section of the society."

"Over the past five years, the Samiti is using RTI Act and other legal tools to unearth corruption and injustice," he said, adding, "Thousands of volunteers will participate in this rally."

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-30/aurangabad/44595938_1_awareness-campaign-ngo-plans-corruption

RTI-related Editorials and Op-Ed Pieces

05 NOVEMBER 2013

147) Use and misuse of PIL

Striking the right balance

IN keeping with the directions of the Supreme Court the Punjab and Haryana High Court has laid down guidelines to deter non-serious public interest litigation (PIL) petitions. A Division Bench comprising Chief Justice Sanjay Kishan Kaul and Justice Augustine George Masih has asked the court's registry to ensure that the petitioner discloses information on his source of living, what public interest he espouses and work he has done in this area, and particulars of any previous PIL filed by him. It is not enough for a petitioner to mention in an affidavit his address and claim that he is public-spirited and thus filing a PIL petition.

Along with the Right to Information Act the provision of public interest litigation has empowered citizens to seek judicial solutions to public problems. Many civil society activists and social groups have done commendable work in highlighting issues of public importance and the judiciary has encouraged them by penalising acts of omission and commission by those in power. However, in recent years the powers guaranteed by both the RTI Act and the tool of PIL have been misused by some publicity-seeking, self-serving and habitual complainants. This has forced the judiciary to act in order to curb the flood of PIL petitions in courts. In some cases costs have been imposed on petitioners. The Supreme Court fined a petitioner Rs 50,000 for alleging that former Chief Justice S.H. Kapadia had a conflict of interest in the Vodafone case since his son worked in a firm involved in the deal with Hutchinson Essar.

Given the backlog of pending cases, judicial time is precious and should be respected. Penalties in frivolous cases are, therefore, justifiable. But this should not tilt the judicial scale to another extreme so that courts start throwing away even significant petitions on one pretext or the other. What is required is that the courts should be provided with adequate staff and infrastructure so that justice is delivered without inordinate delay.

Source:

The Tribune, <http://www.tribuneindia.com/2013/20131105/edit.htm#2>

07 NOVEMBER 2013

148) Beg your pardon, My Lord

A honest judiciary is vital to protect our rights, but judicial oversight suffers from a lack of transparency, writes Debaki Nandan Mandal

I should fairly admit that the Judiciary is not untouched by corruption. When we take the oath as Judge, we swear to be fair and impartial in all our judicial functions. However, on some occasions in the past, few judges have willfully dishonoured the oath by adopting to corrupt practices,” said Justice P Sathasivam, Chief Justice of India to The Hindu on June 28 before he assumed charge on July 19.

Indian Judiciary, particularly the higher judiciary, enjoys pride of place under our Constitution. This should put justices of the High Courts and the Supreme Court on the highest pedestal. In the balance, each country must strike between judicial accountability and independence, ours tilts sharply towards independence. Lack of accountability breeds waywardness, cavalier conduct and corrupt practices.

Before the advent of RTI, the men on the street were almost kept in the dark as to how judges were selected, recommended, and appointed. What are their shortcomings? Why are judgments sometimes not delivered at all or interminably delayed? While the executive and the legislature have to answer to the people once every five years, the judiciary is accountable to none. Queries on the Judiciary’s functioning are met with responses such as, “It is none of your business to ask us questions and we (the judges) know what is best for the system”.

Times are changing fast. Not just the media and social networking-sites alone, the straightforward and upright members of the apex court are now speaking publicly and in the open court about the wrongdoings and corruption of the judicial fraternity.

A former Chief Justice of India publicly lamented that doubts can be raised about the integrity of 20 per cent of the higher judiciary. On 26 November 2010 Justices Markandey Katju and Gyan Sudha Misra had said, “something is rotten in the state of Denmark, said Shakespeare in Hamlet and it can similarly be said that something is rotten in Allahabad High Court. It really needs some house-cleaning.” The Allahabad High Court contested the observation, but the Supreme Court refused to expunge the comments.

High Court judges who faced charges of corruption include Soumitra Sen of the Calcutta High court, Chief Justice PD Dinakaran of Sikkim High Court (formerly of Karnataka High Court) and Justice Nirmal Jadav of Uttarakhand High Court (formerly of the Punjab and Haryana High Court). Charges against former Chief Justices of India has given a new twist to the tale. There is the Rs 23-crore Ghaziabad PF scam in which a Supreme Court judge, seven Allahabad High Court Judges, 12 judges of the subordinate courts and six retired High Court judges were allegedly involved. Former CJI KG Balakrishnan faced allegations of acquiring benami properties during his tenure as Supreme Court Chief Justice. Government of India (Income Tax Department) has recently cleared him of the charge informing the Apex Court that it won't be a party to the PIL before it.

According to Transparency International, judicial corruption in India stems from “delays in disposal of cases, shortage of judges and complex procedures, all of which are exacerbated by a preponderance of new laws”. Its Corruption Perception Index (CPI) ranked India 94th out of 176 nations in 2012. The huge backlog of cases ~ more than 30 million cases are reportedly pending before our High Courts and subordinate courts ~ is the primary reason both for low rate of conviction and the rise in crime rate. To ensure justice promptly, usual suggestions include filling the vacancies in the judiciary, especially at the lower levels, increasing funding, improving court infrastructure and so on. Video-recording of court-proceedings ~ a practice common in courts in the US, Australia, New Zealand, Namibia, Mexico and Malaysia ~ if introduced, would surely promote transparency and more effectively deter corrupt practices in court. But what assumes urgency and importance in this connexion is to discourage lawyers from engaging in delaying tactics and causing distractions.

The syndrome of “uncle judges” is no less responsible for the aberrations in court proceedings. In its 230th Report (2009), the Law Commission recommended that in order to eliminate the practice of “uncle judges” ~ the judges whose kith and kin are practicing in a High court should not be posted in the same High Court. The Union Law Ministry admits that the menace of uncle judges has spread to many High courts, including those in Chandigarh, Shimla and Jaipur. In India, the higher judiciary has inherent and unbridled power of contempt. This explains why the media (except some fearless journalists) and the whole lot of information-seeking agencies

choose to be tight-lipped. Besides, the spirit of trade unionism has notably characterized our upper echelons of the judiciary.

Eminent jurist and constitutional expert Fali S Nariman has this to say in his book *The State of the Nation*: “Regrettably, with a few notable exceptions, the fraternity of justices in the higher judiciary in India tend to stick together when anyone speaks of any wrongdoing about one of them, alas, even when some of its members themselves entertain a shrewd suspicion of some wrongdoing. There pervades, in the higher echelons of judiciary what I would characterize as a spirit of trade unionism. No, the trade unionism of lawyer is just no match to the trade unionism of judges. The latter close their ranks when one of them is involved”.

Can the lawyers take upon themselves the task of bringing the errant judges to book? This is at least for now foreclosed because we have to live with the decision of our own Apex Court in *C Ravichandran Iyer Vs AM Bhattacharya* (1995), popularly known as Bhattacharjee’s case. AM Bhattacharjee was Chief Justice of Bombay High Court from April 1994 to April 1995 and allegations about his “wrongdoings” became the “talk of the town”. The Bombay Bar Association adopted a resolution requesting the Chief Justice to demit his office as a judge in the interest of the institution. He resisted.

The matter went to the Supreme Court and Justices K Ramaswamy and BL Hansaria said that even associations of lawyers could not on their own take up matters and pass such resolutions with regard to allegations of corruption against sitting judges. “The associations must first take up the matter with the Chief Justice of High Court and if there is no redress, then with the Chief Justice of India and await a response for a reasonable period. According to Nariman, “the judgment in Bhattacharjee is a dampener to transparency in cases of perceived judicial corruption”.

As a first step towards ensuring accountability in higher judiciary, the Rajya Sabha has cleared the Judicial Appointments Commission Bill which seeks to scrap the collegium system of appointing judges in higher courts. A broad-based National Judicial commission comprising a mix of higher judiciary and executive along with two eminent members of civil society will be tasked with the recommendation for appointment to and transfer of supreme and high court judges.

But the immediate fall-out is none-too-encouraging. The Bar Council of India (BCI) has urged

the Centre to withdraw the bill as it feels that the existing collegium had been functioning well, but it needed to be transparent. The present CJI told The Hindu, "According to me, the present collegium system works well". Even if the law is passed in the teeth of such opposition, the possibility of it being struck down in due course by the Apex Court cannot be altogether ruled out. And then we shall be back to square once again.

The writer is a retired civil servant.

Source:

The Statesman, <http://www.thestatesman.net/news/23616-beg-your-pardon-my-lord.html>

08 NOVEMBER 2013

149) Watchmen, unwatched

Janmejaya Sinha : Fri Nov 08 2013, 00:36 hrs

We need measures to evaluate how transparent and fair our investigative agencies are.

Of late, investigative agencies have been in the news for the first information reports (FIRs) they have filed against many top industrialists, including Kumar Mangalam Birla and Naveen Jindal. Last year, all of Delhi was preoccupied with the agitation to pass a Lokpal bill with overwhelming power invested in said Lokpal and a (naive) belief that its introduction would stem corruption in India. There seemed to be a belief that a super-powerful investigative agency could stem political corruption in India and be a force for good. That, in fact, the investigative agencies can prevent the spread of crony capitalism in

India. However, all this begs the question — how good are our investigative agencies? How might we measure their performance?

I cite three quotes from Lord Acton. Two offer cautionary advice, while the third points towards some simple suggestions on accountability of investigative agencies. The basic premise is to ask how we might evaluate the guardians.

Lord Acton is famous for his remark, "Power tends to corrupt, and absolute power corrupts absolutely." The remark is often misquoted as "power corrupts, and absolute power corrupts absolutely", but the brevity does not do justice to his insight, as Acton's point was that absolute power cannot but corrupt absolutely. Thus he was averse to giving anyone absolute power. He is

also known to have said that "great men are almost always bad men". Now, the second quote doesn't necessarily have universal applicability, and we in India have certainly seen exceptions. But it sounds a required note of caution about not getting carried away and believing that those we see as great cannot also be bad. So there is a need to recognise that unchecked power can be easily misused.

In India, one of the areas where such power can be easily misused is in the investigation of crimes. Who the investigative agencies file a charge against and who they don't, when they file a charge and what charge they file are all critical choices that can lead to deep variations in outcomes. On the other hand, the need for these agencies in any effective democracy cannot be understated. They embody, in certain ways, the very essence of "one person, one vote" and that everyone is equal in the eyes of the law. So then, what is the cornerstone of the structure we need?

Perhaps Lord Acton can offer some direction. Certainly, he identified the seeds of a partial solution when he said, "Everything secret degenerates, even the administration of justice; nothing is safe that does not show how it can bear discussion and publicity." In India, we have wisely enacted

a law to the right to information which can be used to protect people. One of the central tenets of what Acton says can apply to investigative agencies as well.

Investigative agencies in India can arrest people, try them and deny them bail, sully their reputations via their comments to the press and even destroy lives. Undoubtedly, they pursue the wrongdoers in many cases. But how do we know in what proportion of cases and with what results?

For commercial institutions, measuring for desired outcomes is easy. Profit, growth and other indicators capturing a return on capital can be found. It is, of course, more difficult to set the right targets for institutions like the CVC and the CBI. Broad, diffuse goals are always difficult to measure and reward. However, it is important for these agencies to be measured against some transparent metrics. This is critical, otherwise their efforts will lead to sub-optimal results for the overall system.

The power an investigating officer from one of these agencies enjoys when investigating a case is enormous, and his incentive for speed in investigation is weak. Many investigators appear to

enjoy that sense of power and attempt to prolong the process. So, the task of the investigative agencies needs to be aligned with the overall system. Let us be guided by Acton's third quote. What can we do to introduce more transparency in their activity?

For starters, we could ask them to report the following every year to the Lok Sabha. One, an inventory of cases. Details of open cases on the first of each year, fresh cases added in the year, cases closed during the year and open cases at the beginning of the following year should be provided. Two, for all cases closed, they should provide the outcome and the time taken. Three, for cases opened, they should provide the commercial value (be it Rs 5 lakh or Rs 50 crore) of the case in cases of economic offence, the start date, and the year to which the alleged crime relates. Four, they should provide a portfolio analysis of their cases (like a bank credit portfolio analysis of outstanding loans), which would entail information such as the number of open economic cases, average value, average length of case, outcome by case category and exception reporting (measuring all deviations from norms). All cases taking over a certain pre-determined timeframe should be explained.

Five, investigative agencies may also impose standard norms for different types of cases and report performance against those. They should also report the number of officers in the agency and the number of cases per officer. Finally, for its internal consumption (and this is information it need not disclose), the agency should also keep a record by the investigative officer, time taken per case and outcome.

If, for starters, we could just introduce transparency, we would make progress. We could continue our deliberations on the reporting structure of these agencies. It is difficult to see how they would not report to the executive, but transparency on their portfolio and an open debate in Parliament would certainly be a great first step towards cleansing the stables.

The writer is chairman, Asia-Pacific, the BostonConsulting Group. Views are personal.

Source:

The Indian Express, <http://www.indianexpress.com/news/watchmen-unwatched/1192185/>

Reports of RTI-related Events

02 NOVEMBER 2013

150) 'Read RTI Act properly'

Express News Service : Ludhiana, Sat Nov 02 2013, 01:25 hrs

Municipal Corporation officials should read the RTI Act properly before providing information under RTI. This was stated by the state information commissioner Parveen Kumar who had come to interact with the MC officials.

He said that at times, applicants seek third party information, which cannot be provided. The public information officer must read the act properly and act on the complaints accordingly.

It needs to be mentioned that as of now more than 500 applications under RTI are coming to seek information of one or the other kind while about 480 complaints had also reached the first appellate authority this year.

Public information officers also raised queries which were answered by Kumar on the spot.

Source:

The Indian Express, <http://www.indianexpress.com/news/-read-rti-act-properly-/1190139/>

151) Right to Inspire

November 2, 2013 MALA KUMAR

A short film about RTI is being shown in theatres across India, before the main movie. The author finds out why.

An animation professional in Mumbai has earned the right to inspire by being, simply, an inspiring citizen. Since 2009, Dhvani Desai has filed 100 Right To Information requests both for herself and to solve the problems of friends, family and strangers. If the name sounds familiar, it may be because it appears in the credits of *Chakravyuh*, the Films Division clip to be shown across the country in all theatres before the main feature film from this month. *Chakravyuh* was first shown at a public meeting in Mumbai on October 12 this year, the eighth anniversary of the RTI Act.

“Seeking information through the RTI Act is very simple and straightforward,” says Dhvani, an award-winning designer who runs her own animation company. “Delay in getting one’s ration card, gas connection, pension etc. can be solved fairly easily through the RTI route. But there is not enough awareness and that is why I decided to use animation to make a film.” Her earlier film *Manpasand* was shown at various film festivals.

Chakravyuh showcases four stories from different parts of the country. Householder Braganza dies in Goa, and his wife runs from pillar to post trying to get a job. Mohammad in Uttar Pradesh lives in a well-lit street, but is unable to get an electricity connection for his house. Pillai in Kerala is unable to get the garbage cleared in his neighbourhood despite endless appeals to the civic authorities. A farmer in West Bengal fights all his life for a piece of land.

The film suggests that if only these people had the right information, they would not get caught in a vicious circle of non-governance, corruption and official indifference.

The Right to Information Act 2005, which mandates timely response to citizen requests for government information, was the first law in independent India that made a government officer accountable for non-performance. This law, called “Freedom of Information” across the world, was first introduced in Sweden in 1766.

“Contrary to what many people perceive, RTI is not something one uses to punish a government servant. It is a simple device that helps bring a problem to the notice of the government’s person in charge of solving it,” points out Dhvani when asked if she is not scared for having used the RTI Act so often. “When you ask for information under this Act, the officer has to send a reply by post to your home within 30 days in normal cases and within 48 hours if it is a matter of life and death. This information makes the officer do his duty immediately. If officials do not comply, they can be fined up to Rs.25,000. ”

Dhvani’s first RTI was filed when she found that her mother had malaria and that the local authorities were not clearing garbage in their area. Since then, garbage has not been a problem.

“The positive results of RTI made me feel so empowered that I wanted others to feel the same way,” says Dhvani. A citizen only needs to get a Rs.10 court fee stamp or a Rs.10 postal order to file an RTI application.

Wouldn’t the film have been more useful if it had shown how and where to file an RTI request?

“The idea of making the film was to spread awareness. In three minutes, I wanted to show as

many common problems that people faced as possible. Once there is awareness, the route becomes very clear.”

The film uses paper collage as a base for a reason. The idea is to show how we are surrounded by information, yet most citizens either do not see the information or forget to use it. “If we focus on right information, then problems get solved easily,” says Dhvani, whose most recent RTI appeal helped a senior citizen get his ration card.

Using a poem composed by Sanskar Desai, Dhvani’s filmmaker brother, *Chakravyuh* aims to empower the common citizen. Now playing, most probably, at a theatre near you.

Source:

The Hindu, <http://www.thehindu.com/features/magazine/right-to-inspire/article5308313.ece>

Also Available At:

http://articles.timesofindia.indiatimes.com/2013-10-11/india/42939967_1_rti-act-state-information-central-information-commission

<http://www.starlive24.in/lifestyle/our-story/right-to-inspire/56708.html>

<http://www.dnaindia.com/mumbai/report-1st-animation-film-on-rti-act-to-hit-theatres-next-month-1901412>

07 NOVEMBER 2013

152) RTI Act ensures good governance, says expert

Visakhapatnam, November 7, 2013 Staff Reporter

Right to Information (RTI) Act gives the strength and power to the people to question government officials and demand information. It is a powerful mechanism to bring about good governance, according to Principal of Andhra University Dr. B.R. Ambedkar College of Law A. Subrahmanyam.

Addressing a gathering at the AU Research Forum, Prof. Subrahmanyam chronicled the formation of the Act.

The Act that came into effect in 2005 mandates timely response to requests made by citizens for government information.

This was the first law in independent India that made a government officer accountable for non-performance.

“This law is called “Freedom of Information” across the world and was first introduced in Sweden in 1766.”

“It is a simple, yet effective device that gives extra strength to the citizens to challenge the government officials and also approach higher courts, if need be, for help,” said Prof. Subrahmanyam.

Pointing out a correlation between the RTI Act and good governance, he said the Act ensured more accountability, better services, public participation and responsiveness, transparency, and flow of information, which were necessary for good governance.

While the passing of RTI Act had been one of the most important steps for India, he said many cases were filed in the higher courts, but even after the court verdicts were passed, action was yet to be taken against officials.

Chief convener K.R. Rajani and co-convener of AU Research Forum K. Sita Manikyam were present.

It is the first law that made officials accountable

It is a simple yet powerful device, he says

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/rti-act-ensures-good-governance-says-expert/article5324605.ece>

10 NOVEMBER 2013

153) Inclusion of corporate sector under RTI purview favoured

Bhubaneswar, November 10, 2013 Staff Reporter

Activist Aruna Roy, who played instrumental role in enactment of Right To Information Act, said corporate sector should be brought under the purview of historic legislation.

In era of globalisation, there is need of greater transparency in functioning of companies in the country and in fact in global level emphasis is being paid on accountability, Ms. Roy said on the sidelines of a conference on ‘Revisiting legislation and policies for tribal communities.’”

“RTI Act is the most owned act in India. Organisations those deal with public fund are answerable to people,” she said, adding that political parties should not resist the idea of bringing them in RTI jurisdiction.

Ms. Roy said although whole objective behind implementation of RTI was yet to be achieved, but it had brought about a silent revolution in the country.

Similarly, social activist Nikhil De criticised the attempts of tampering with the Act to one’s benefit. He was responding to allegations that the State government was prescribing format for seeking information. Ms. Roy said there was no word limit for seeking information under the Act.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/inclusion-of-corporate-sector-under-rti-purview-favoured/article5334215.ece>

154) Time to move ahead of RTI: Aruna Roy

By Express News Service - Bhubaneswar Published: 10th November 2013 04:41 PM

Last Updated: 10th November 2013 04:41 PM

Calling Right To Information (RTI) Act a silent revolution, social activist Aruna Roy on Saturday said it is time to move ahead from awareness to accountability of the Government by formulating better legislation.

Roy was speaking at the State level consultation on legislations and policies for tribal communities, organised in the city.

“RTI has helped us in a lot of ways. But now there is a need to strengthen accountability Acts like Lokpal Act to ensure implementation of policies,” said Roy.

Around four million people are expected to have benefited from RTI Act, she added.

Pointing out a loophole in the RTI, she said there is a need to find out which laws, currently being formulated, do not come under the purview of RTI Act and also the Acts which are violating it.

Community leaders, elected representatives, civil society representatives and academicians from 15 tribal and non-tribal districts took part in the three-day consultation.

Government policies like Forest Rights Act, Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and Panchayat Extension to the Scheduled Areas Act (PESA) were discussed in detail.

Speaking on the issue, social activist Nikhil Dey said the political bodies should work towards establishing the rights of the poor.

He also said as a part of accountability measures, action should be taken against the agencies which do not implement the policies properly.

The projects undertaken by the Government in the Public Private Partnership (PPP) mode should also come under the purview of the RTI Act, he added.

Tribal leaders present at the consultation spoke about the problems faced by them. Suman Jhodia, a tribal leader from Rayagada, said there were irregularities in the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) in their panchayat.

“We are paid ` 200 every day even though we do not work. When we ask about it, we are silenced,” said Jhodia.

Another tribal representative from Gajapati said even though Government is making laws for benefit of the tribals, those were not implemented at the ground level.

Source:

The New Indian Express, <http://newindianexpress.com/states/odisha/Time-to-move-ahead-of-RTI-Aruna-Roy/2013/11/10/article1882625.ece>

11 NOVEMBER 2013

155) Reduce fees paid to advocate general

PANAJI, November 11, 2013 Special Correspondent

Right to Information (RTI) activist and lawyer Aires Rodrigues on Sunday demanded that the Goa government should immediately slash the highly exorbitant fees currently being paid to the Advocate General of Goa Atmaram Nadkarni.

Mr. Rodrigues said in a press release issued on Sunday that if the government did not act by December 19, Goa Liberation Day, he would seek the intervention of the Chief Justice of the Bombay High Court to stop this unjustified criminal waste of public funds. He said despite Goa

being the smallest State it was hosting the highest paid Advocate General who was being paid up to Rs.6 lakh a month besides Rs. 75,000 per day on every visit to Delhi.

The activist lawyer demanded that Chief Minister Manohar Parrikar should justify how his Advocate General is being paid five times more than the President of India.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/reduce-fees-paid-to-advocate-general/article5337636.ece>

156) ‘Parties can’t claim immunity from RTI Act’

KANNUR, November 11, 2013 Special Correspondent

Director General of Prosecutions T. Asaf Ali has said that the proposed amendment to the Right to Information Act aimed at ensuring immunity to political parties from it will not totally exempt them from the Act’s purview.

“Even if the RTI Act is amended, it will not exempt the political parties registered under the Representation of the People Act from its purview,” Mr. Ali said while inaugurating the Nehru Jayanthi celebration organised by the Jawahar Public Library and Research Centre here on Saturday. The parties’ claim of total immunity from the RTI Act would weaken the democratic structure of the country, he said.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/parties-cant-claim-immunity-from-rti-act/article5337489.ece>

157) ‘Wrong’ turns in getting the ‘right’ information

MADURAI, November 11, 2013 L. Srikrishna

Whistleblowers blame it on official apathy

“I was fighting for almost a decade with the Corporation authorities to get information from the birth/death certificate section in order to get my passport....There was no response to my

requests in the past. But, thanks to the RTI (Right to Information) Act, the officials have given me the details with photocopies...”

This was the statement from a happy Narayanapuram resident who has obtained his passport and is waiting to go abroad.

Like him, there are many more taking the RTI route to get credible information from public sector banks and the government departments such as revenue, judiciary, prisons, police and transport.

However, all is not easy for these applicants to ferret the information.

RTI applicants feel lack of intervention and absence of follow-up by the higher-ups to their queries have resulted in the RTI Act losing its sting.

“We expect the top officials in charge of the implementation of the RTI Act in government departments to be pro-active. Penal provisions should be quoted in the correspondence of superiors in the case of delays,” F. Mohammed Jaminudeen, a whistle-blower said.

The basic objective of the RTI Act is to empower the citizens, bring transparency and accountability.

“However, some officials give an impression to the public that they cannot get information under any circumstances. This kind of an attitude should go,” said S. Sampath, an RTI activist and a trade union office-bearer in a State transport undertaking.

According to the RTI Act, public sector undertakings and government departments are mandatorily obligated to furnish details to applicants seeking information on nominal payment by affixing stamps, except for a few wings such as Defence Ministry, where the public interest is paramount as certain information cannot be revealed.

The officer designated in every government office is known as Public Information Officer (PIO). For instance, in Madurai Corporation, the Assistant Commissioners are PIOs.

The Commissioner is the First Appellate Authority and the CIC (Commissioner, Information Commissionerate) is the higher appellate authority. Similarly, in the police department, the Deputy Commissioner of Police, Madurai City (Headquarters), is the PIO. Public seeking information should get response within 30 days. If not, the officer is liable to be punished under the RTI Act and the appellate authority shall pass orders.

However, many whistleblowers claim that the RTI Act is violated by some officials who are bent upon not giving correct information. According to Mr. Jaminudeen, he asked for a detail from Madurai Corporation on April 4 this year and he should have got a reply by May 4.

But, only a fortnight ago, he received the reply. The higher-ups should take note of this and punish the officials responsible for the delay, he said.

Not many staff in the prisons and judiciary seem to be keen in disseminating information to applicants under the RTI Act, said M. Humayun Kabir, a representative of a non-governmental organisation (NGO) and an activist, who has assisted many through the RTI route.

According to Mr. Kabir, the prison authorities adopted dilly-dallying tactics. “Whenever, we asked information about the death of remand prisoners, the stock reply was “death was natural,” or “the case was under investigation.”

There was no detailed information. Be it a 70-year old remand prisoner or a 27-year old youth, the reasons for the death was the same. However, after intervention from higher-ups in the Prisons Department, the officials are now responding in Madurai,” he said but alleged that it was not the case with officials in Coimbatore and Salem prisons.

Staff crunch

A senior revenue official in Madurai Collectorate said that on an average, they received about 300 to 400 applications under the RTI Act pertaining to rural development, panchayat, district supply office, transport and mines and minerals departments.

“Already, we are facing a severe staff crunch. Giving information within 30 days to the petitioners is quite a task. While 10 per cent of the applicants seek worthwhile information, the rest seek personal information about the staff, their salaries and properties,” he said.

A Transport Department official said they most of the applications pertained to anomalies in bus fare structure in Madurai when compared to Tiruchi.

Some wanted to know the reasons for removal of designated bus stops or services in their area, he added.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/wrong-turns-in-getting-the-right-information/article5337355.ece>

158) Many state departments evasive on RTI queries: Survey

TNN Nov 11, 2013, 04.49AM IST Lucknow:

The Right to Information (RTI) Act is yet to be implemented effectively in Uttar Pradesh. A survey conducted by RTI activists has revealed that public organisations like Uttar Pradesh Power Corporation Limited and UP Shia Central Waqf Board often question the motive of the applicants in seeking information, which is not in consonance with the provisions of the RTI Act. Out of 64 government departments covered in the survey, only 13 had displayed the names of their public information officers (PIOs). At least four of these departments asked the applicants to send their applications by post. Further, public does not get access to many government departments where entry pass is needed. As a result, people fail to meet PIOs of the departments concerned. Surprisingly, no employee in the information directorate knew the name of the PIO. Out of 64 departments, only 14 provided the details in the survey.

Source:

The Times of India, <http://timesofindia.indiatimes.com/city/lucknow/Many-state-departments-evasive-on-RTI-queries-Survey/articleshow/25572600.cms>

16 NOVEMBER 2013

159) CIC for restoring repealed provisions of RTI Act

Sufi seeks coordination between SIC, anti-graft bodies

‘Legislature can take call on bringing political parties under the purview of the Act’

UMER MAQBOOL Srinagar, Nov 16

Days after Chief Minister Omar Abdullah announced his government’s plan to strengthen the State Right to Information Act, JK’s Chief Information Commissioner GR Sufi has asked him to restore RTI Rules-2010, which were repealed by the government last year.

“If the Chief Minister wants to strengthen the Act, he should use his good offices in restoring RTI Rules-2010,” Sufi told Greater Kashmir in an exclusive chat here.

On the opening of Civil Secretariat in Jammu on Annual Durbar Move, Omar had declared that RTI Act will be further strengthened.

CIC said the RTI Act was slightly dented in 2012 by repealing RTI Rules-2010. Pointing out to what he termed problematic areas in the Act, Sufi said, “We need to do more to prevent misuse of the Act by miscreants whose motive is something else than getting information. Besides, the Act needs to be made stronger to make the officers accountable. There is no provision of taking action against the First Appellate Authorities (FAAs) if they repeatedly fail to implement the Act in letter and spirit.”

Sufi said JK legislature can take a call on bringing the political parties under the ambit of RTI Act.

“If our CM is of opinion that Central Information Commission’s decision of bringing political parties under the cover of RTI Act is right, he being the leader of the House in the State has powers to bring the legislation to remove ambiguity in the definition of public authorities in the Act for declaring political parties as public authorities,” he said.

But Sufi refused to share his personal opinion over whether the political parties should be brought under the Act or not.

“My responsibility as guardian of the Act is to implement what the legislature gives us,” he added.

He termed Chief Minister’s stand on bringing the political parties under the ambit of RTI Act as “bold”, saying “people would expect that his intentions will remain a guiding factor for bureaucracy to sincerely implement the Act.”

Speaking at the eighth convention of the Central Information Commission in September this year, Omar had called for bringing political parties under purview of RTI Act.

He also expressed concern over lack of awareness among general public about the Act in the State particularly Kashmir, saying more needs to be done at different levels to make public aware of the law.

“We have probably failed to convey the meaning and message of the law to the people at the large particularly to the people of Kashmir. The usage of the Act is appreciable in other parts of the State than Valley,” he said, adding the Act is of immense use for all shades of opinion.

Sufi also called for coordination between State Information Commission and anti-graft bodies like State Accountability Commission, State Vigilance Commission and State Vigilance Organization for ensuring transparency and accountability in governance and delivery of

administration.

“If statutory law is not possible, at least there can be informal coordination between us (SIC and anti-graft bodies),” he said.

Source:

<http://www.greaterkashmir.com/news/2013/Nov/17/cic-for-restoring-repealed-provisions-of-rti-act-40.asp>

160) RTI forum opens branch

Bijapur, November 16, 2013 Special Correspondent

With an objective of spreading awareness about Right to Information Act (RTI), an NGO, Karnataka State RTI Federation has been set up at the State level, whose branch has been opened in Bijapur city.

In a release here, Shantagouda Navadagi, the district president of the Federation said that though the Act was implemented in 2005 itself, however many people have not taken use of it in curbing corruption or highlighting irregularities in the government and semi-government department. Realising this, the federation has been formed to spread the awareness about the importance of the Act among the common people as the Act acts as a tool for the people to fight corruption.

Mr. Navadagi said the Federation aims at holding awareness programme for social activists, active youths and students about RTI.

In this regard, the Federation was organizing a workshop on December 1 in Bijapur city to give proper guidance about the Act.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/rti-forum-opens-branch/article5357180.ece>

18 NOVEMBER 2013

161) Creating awareness and empowering people to fight corruption

MADURAI, November 18, 2013 STAFF REPORTER

With an aim to make India corruption-free, members belonging to various civil society organisations took a pledge to educate the public and government officials about the social evil, at a seminar held as part of the anti-corruption week here on Sunday.

Speaking at the programme, N. Sethuraman, founder, Federation of Anti-Corruption Teams India, said that the RTI Act which was introduced in 2005 is a powerful tool which could be used against corruption.”

“We must follow the footsteps of Mahatma Gandhi in our fight against corruption,” he added. Dr.Sethuraman further said that anti-corruption activists should not be intimidated by threats and fulfil their goal of wiping out corruption.

On corrupt politicians and officials, Mr. S.M. Arasu, President, Anti-Corruption movement, Chennai Chapter, noted that they are trying to cheat people as most of them are ignorant. Awareness should be created so that people start questioning about the functioning of the government, whenever it fails.

He observed that in most cases, parents pay bribes to educational institutions owing to lack of awareness. “Our country will only change, when the citizens become aware of the consequences.”

An array of resolutions were passed at the meeting, which include directions to the government departments to observe anti-corruption week, to motivate and appreciate honest public officials, demand for the implementation of Right to Service Act, in Tamil Nadu and to improve the position of India in the list of corruption-free countries.

Urging the public to vote for a clean party, the activists said that “we must stand united in support of the Supreme Court of India to prevent those convicted from contesting in elections and also make political parties answerable to the people of India.” Assistant Commissioner (Traffic) S.Yellapparaj was among those who took part in the awareness programme.

Source:

The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/creating-awareness-and-empowering-people-to-fight-corruption/article5363000.ece>

20 NOVEMBER 2013

162) Principals want revival of old exam system demands revival of exam system for std I-VIII

Sumita Sarkar, TNN Nov 12, 2013, 04.34AM IST

NASHIK: The three-day 53rd state-level conference for principals organized by the Nashik District Secondary and Higher Secondary School Association concluded on Monday with the association passing 23 resolutions.

The resolutions included examination be conducted for std I to VIII as before, information or access to school records through Right to Information (RTI) should be associated with that educational institution, the state government should give minimum Rs 10 lakh for state-level conventions for principals, etc.

N G Ganar, MLC (teachers' constituency) from Nagpur, who was the chief guest for the conference, talked about the duties of a teacher, the responsibilities of elected representatives with respect to education and about Right to Education (RTE).

"Issues like midday meals for children were also discussed during the conference. The task will be handed over to an organization. Midday meals should be for all schools be it aided or non-aided. After hearing of public interest litigation in the Bombay high court, the schools will have centralized kitchens for preparing midday meals. The schools will monitor it, but will not be directly responsible for providing food. The principals will be responsible only for the attendance of the students and std I-V should have one teacher in one class each," said Ashok More, executive member of the association.

S B Shirsath, president of the association, said, "A conference of this kind is being organized after 19 years. This was possible due to team work. We passed certain resolutions that we will be forwarding to the state government for approval. We have mentioned in the resolution that the principals of the state government-run schools be paid like the ones in central government-run schools."

The three day state level conference for principals by Nashik District Secondary and Higher Secondary School Association that concluded on Monday passed 23 resolutions, including the demand that the exams for standard I to VIII be conducted like in the past.

The 53rd state level conference passed 23 resolutions that included exam system for standards I to VIII as before, those asking for information or records of a school through Right to Information (RTI) should be associated with that educational institution and that the state government should give minimum fund of Rs 10 lakhs state level conventions for principals among the other resolutions.

The convention that concluded on Monday had N G Ganar, MLC (teachers' constituency) Nagpur as the chief guest, who spoke about the duties of a teacher, the responsibilities of elected representatives with respect to education and about the Right to Education (RTE).

"Issues like mid day meal for the children were also discussed at the conference. The task will be handed over to an organisation. Mid day meals should be for all schools - grant or non-grant. After the hearing of the public interest litigation (PIL) in the Bombay High Court, mid day meal for schools will have centralised kitchen and schools will only monitor it but will not be directly responsible for providing food, principals will be responsible only for the attendance of the students, one teacher in one class each from standards I-V," said an executive member of the association, Ashok More.

President of by Nashik District Secondary and Higher Secondary School Association, S B Shirsath said, "A conference of this kind is being organised after 19 years. This was possible due to team work. We passed certain resolutions that we will be forwarding to the state government for approval. We have mentioned in the resolution that the principals of the state government schools be paid at par with those of the central government."

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-12/nashik/43979651_1_exam-system-midday-meals-principals

163) Do you think private universities and institutions should be brought under the Right to Information Act?

Business Standard November 20, 2013 Last Updated at 21:27 IST

Dear students,

LAST WEEK WE ASKED: Do you think private universities and institutions should be brought under the Right to Information Act?

BEST RESPONSE

Since private universities and institutes are not outside the shackles of society, they must be brought under the ambit of RTI Act which will only improve transparency. Also numerous issues regarding fake universities, recognition and quality of education can be sought out easily under RTI resulting in increased growth apart from support to common man. Thus, RTI will surely be useful in bridging the information gap between such institutes and admission seekers.

- **Shivam Chhabra**, Integral University, Lucknow.

OTHER RESPONSES

Many aspirants are unable to secure a seat in their dream institutions despite scoring well. This is because at times selections happen in a mysterious manner. Institutions have an obligation towards students and other stakeholders and should answer on reasons for admission or rejection of a particular candidate. For these reasons as well, private institutions must be under the RTI Act.

- **Mohit Shaw**, ICSI, Kolkata.

Given the educational quality prevailing and the likeliness of the standards getting even worse with significant lot among the bunch of private institutions turning a blind eye to regulations and the minimum infrastructure to be maintained, we can only expect provisions like RTI could do the needful by exposing the reality prevailing in stark contrast to the standards claimed by private institutions. If RTI could expose irregularities in public entities, the private institutions remain no exception to the same.

- **YVS Karthik**, National Institute of Pharmaceutical Education and Research (NIPER).

Right to Information is indeed a privilege offered to the common man. We have various organisations catering both to the public and private sectors realizing the virtue of the act without any issues so far. It would be a bliss for students who are seeking unbiased information about a particular private university. We come across a diverse row of issues pertaining from the private educational sector and students as well as parents are the worst kind of sufferers. It would be a welcome move to introduce the RTI in the direction reducing miseries and making the system much more transparent.

- **Tanya Sehgal**, School of Petroleum Management, PDPU.

Private universities and institutions should be brought under the Right to Information Act as crucial information regarding the use of funds, placement records etc. can be obtained through RTI. It will enable students to choose the right institute for themselves by checking the institute's authentication and will also unmask the true identity of universities which give false promises and show fake records to attract admissions.

- **Jatin Kashyap**, Post Graduate Government, Chandigarh.

Private institutions have control over the major chunk of the education sector of India. Transparency and accountability is required from the private institution. In recent times we have witnessed many cases of fraud or harassment or misrepresentation of information on the part of these universities. By bringing them under RTI, anyone can have access to their records including fees etc. This will be a step in the right direction thus this will help students to take an informed decision.

- **Nilaya Mitash Shanker**, IIT Roorkee.

Source:

The Business Standard, http://www.business-standard.com/article/management/student-corner-113112000467_1.html

21 NOVEMBER 2013

164) Udupi: RTI Act empowers Common-folk to bolster efficiency in Governance: Pundalika

By Pundalika Marate Bellelevision Media Network Udupi, Nov 21, 2013

The government is running by taxing the people, while there is scope for the general public to know the functioning of state administration. Meanwhile, the people have a stronger weapon at their disposal that is Right to Information Act, which empowers the general public to alert the administration on time, adhering to governing rules and seeking transparency in governance, said Rotary district president of Right to Information Committee B Pundalika Marate Shirva.

Pundalika was speaking during the family get-together and talk on Right to Information that was organized by Rotary Club – Parkala, at Parkala High School auditorium, here on Tuesday November 19.

He further said that it's only the enlightened citizen can make the nation corruption-free, said Pundalika.

Rotary Clubs zonal assistant governor Mahesh Kumar M explained the significance of Rotary and family get-together.

The talented artiste Ashok Nayak was felicitated on the same occasion.

Rotary Club – Parkala past president Ganesh Patil presided the function.

Padmanabha Udupa, Ravindranat, Ashok Nayk were present at the dais.

The designated assistant governor Dinesh Hegde, Manjunat Upadhyaya, Dr A Ganesh was present on the occasion.

The secretary B Anantaram Bhat read the report. Mohan Kumar S compered the programme. Dr Chandrashekar Adiga proposed vote of thanks.

Source:

<http://www.bellevision.com/belle/index.php?action=topnews&type=7827>

165) Chennai-based youths come up with ready-to-use RTI applications

Christin Mathew Philip, TNN Nov 21, 2013, 05.48AM IST

CHENNAI: If you still don't know how to file an RTI application, here's a solution. Two city-based youths have developed a web application - 'online RTI generator' - that helps people across the country file an RTI application in less than five minutes.

The applicant just has to visit grayfaceofindia.in/onlinerti-generator, fill in details such as his/her name, address and information sought under the RTI Act. The applicant then has to print out the form and send it to the department concerned. The website also provides details of various payment options for filing the application.

TOI had recently reported about the youths, Alex Raj and R Saiyasodharan, who had launched the website to help citizens address their woes through RTI petitions. Saiyasodharan, a software engineer, came up with the idea for the online ready-to-use RTI generator.

Alex Raj, a lawyer, said the website had eight RTI templates, including widow and old age pension, pending civic work, ration cards and provident fund. "The generator also provides a blank template for other issues. We plan to include more common issues soon," he said.

"The response for the website was tremendous. We had received hundreds of mails requesting us to draft RTI queries for them. It is, however, difficult for just the two of us to draft so many RTI queries. So we developed the generator which will help first-time applicants free of cost," said Saiyasodharan.

Saiyasodharan said though the Act had been around for eight years, many were unaware of how to file an RTI application. "The generator will give tips to applicants at every stage, to avoid confusion. We hope it will bring more awareness among the public," he said.

Many RTI activists welcomed the idea. "It's glad to see technology being used to promote RTIs. Many Public Information Officers are denying information to applicants citing minor errors in the RTI application. If it is drafted properly, PIOs have to give accurate replies," said a city-based RTI activist.

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-21/chennai/44325998_1_rti-act-rti-application-alex-raj

22 NOVEMBER 2013

166) Right to information is everybody's right: Koul

November 22nd, 2013 STATE TIMES NEWS KATHUA

Knowledge about Right to Information (RTI) Act is very necessary for every person in the present scenario and it is right of everyone. The Principal District and Sessions Judge, Kathua, A.K Koul said at a culmination function of the workshop on 'Right to Information Act' organised in the SPS PTS Kathua. The workshop was organised for the trainees of Pre Promotion Course, in which 550 trainees were attended lectures.

The workshops on different topics including 'VIP Security, Human Rights, Importance of Scene of Crime and Right to Information Act' were organised at PTS Kathua for the trainees so that they can perform their duties in a professional manner.

Distinguished guest speakers including Professors of Law Department, University of Jammu, Dr. Sanjay Gupta and Dr. Savita Nayyar; Advocate of High Court, Sheikh Shakeel and Chief Prosecutors of Crime Headquarters, Kulbushan Sharma and Rajesh Bakshi were invited to deliver lectures to the trainees during the three phases of the workshop. On the concluding day, Principal District and Sessions Judge, Kathua, A.K Koul was the Chief Guest.

While addressing the trainees, Koul said that RTI is everyone's right and same is safeguarded by the provisions of Right to Information Act. Advocate of High Court of Jammu, Sheikh Shakeel who spoke on the topic of Rights to Information Act and its implications in the modern society. Prior to the RTI Act, people were dependent on concerned elected representatives for getting any information but after the advent of RTI Act they can have access to any information from PIO concerned on payment of nominal charges within thirty days and also have appealing rights to appellate authorities.

Chief Prosecuting Officer Crime Headquarter, Kulbushan Sharma, while delivering his lecture on Right to Information Act and its implications and results, elaborated in detail about the importance of various relevant sections of the Act.

Earlier, the welcome address was presented by Assistant Principal, co-ordinator of the workshops, Rajesh Gill which were conducted for the trainees from 13th of Nov. to 21st of Nov.2013.

S.I Abhishek conducted the proceedings. Mementoes were presented to the Guest Speakers by the Principal PTS, Kathua.

SP Principal of PTS Kathua, R.K Bhat; SP Vice Principal PTS, R.K Dhar; Kuldeep Raj Tripathi, Dy.SP, A.P (Admn), Ramnish Kumar, Dy.SP, A.P (Outdoor), Manzoor Hussain, Dy.SP, Chief Law Instructor and Law Instructors/ Staff of Indoor PTS Kathua also attended the workshop.

Source:

<http://www.statetimes.in/news/right-information-everybodys-right-koul/>

30 NOVEMBER 2013

167) NGO plans rally to protest against corruption

TNN Nov 30, 2013, 05.38AM IST

AURANGABAD: Mahiti Seva Samiti, an NGO of RTI activists, has decided to organise an awareness campaign on December 10, in the form of a vehicle rally against growing corruption.

They will highlight issues and suggest modes to check corrupt practices.

President of Mahiti Seva Samiti, Suresh Menchirel, said, "A mass 'vehicle rally' has been organised to campaign against corruption and injustice. The rally will be launched across the state. In Aurangabad it would start from Kranti Chowk and culminate at Baba Petrol pump."

He said, "The committee is working voluntarily across India to create awareness about legal assistance, awareness to the under privileged citizens of India with a special focus on women, children, labour force, disabled and weaker section of the society."

"Over the past five years, the Samiti is using RTI Act and other legal tools to unearth corruption and injustice," he said, adding, "Thousands of volunteers will participate in this rally."

Source:

The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-30/aurangabad/44595938_1_awareness-campaign-ngo-plans-corruption

RTI in South Asia **25 NOVEMBER 2013**

168) Knowledge is power

Published on 2013-11-25 00:13:31

Right to Information Sangam Biswakarma of Hetauda got just 42 marks in mathematics in his SLC exams. He was not satisfied. He was confident that he should get at least 90 in this paper. His father, a primary level teacher, had heard of the Right to Information Act, and wanted to try it out. Sangam and his father came to Kathmandu, and applied at the Office of the Controller of Examinations demanding a copy of the examined answer sheet. The office, however, didn't provide it to them. They went to the National Information Commission and lodged a complaint against that office. The Commission ordered the Office of the Controller of Examinations to provide the answer sheet, citing Right to Information. Sangam had secured 92 marks. He was provided with a new mark-sheet. The office of the Controller of Examinations said that there had been a mistake in the coding and decoding processes. In fact, 10 students had applied for their answer sheets that year. Four got their marks altered.

In February 2011, the Nepali economic circle was abuzz with the news that large business firms had used false VAT bills, resulting in a revenue loss of billions. After this news gained momentum, the government was forced to form an investigation committee. The committee submitted its report to the Ministry of Finance, but there was no news of any step against the fraudsters. Speculations were rife that the officers of the Finance Ministry were trying to protect the defaulters.

Taranath Dahal, a senior journalist, applied to the Ministry of Finance for a copy of the investigation report. The ministry, however, stated that the Right to Information did not apply to revenue, and denied the request. The applicant complained at the National Information Commission. Though the committee directed the Finance Ministry to make the report public, the ministry refused to do so. Finally, the National Information Commission declared that though revenue-related information falls under the Law of Secrecy, the defaulters of revenue share an offence similar to corruption, and the law doesn't protect the corrupt. The report was published only after the Information Commission directed the Finance Ministry for the third time to make it public. The media put pressure on the government to act against the

businesspersons. The government was forced to penalize the tax evaders, and a total of seven billion rupees was collected.

These two incidents depict the power of Right to Information in third world nations. Every year questions are raised regarding the examination system of our universities. Right to Information, to some extent, has alleviated the complaints that the exams are not run transparently and examinees don't get the scores they deserve. After the establishment of this Act, students are optimistic about legal solutions, and administrators and teachers are under pressure to be sincere. In the same way, the National Information Commission, by making the names of tax-evaders public, has tamed the government tendency to put sensitive issues under Law of Secrecy. These are two revolutionary achievements in Nepal's short practice of Right to Information.

These achievements, however, are far from satisfactory. Right to Information is already in its sixth year, but it is yet to spread all over the country. It is only on the initiation of the National Information Commission that the aforementioned achievements could be realized. But the commission itself lacks skilled manpower and leadership, and is confined to Kathmandu. Public agencies seldom give information after they receive the first application, necessitating a trip to the Information Commission for the applicants. The same law was promulgated in India in 2005, and statistics show that the people of India have used it to strengthen good governance. According to a Right to Information based NGO in India, Commonwealth Human Rights Initiative, in the last six years more than four million applications were registered demanding information. In our country, however, there have been no more than a thousand such applications.

The government and the Information Commission need to raise awareness at the grassroots that information is a right as well as opportunity. In a country like ours where corruption and financial irregularities are rampant, and government agencies are not transparent, it is a far cry. The government and political leaders avoid giving information because if transparency is maintained, they lose their monopoly. After this law came into effect in Nepal in 2007, awareness on Right to Information has increased. But still, innumerable cases of financial irregularities and corruption are brought forth by the media every day.

The state has spent billions on scholarships at schools and universities. Are the targeted groups

and individuals getting the scholarships? Students, teachers, and guardians of corresponding institutions need to inquire about it. There are many local agencies that create drinking water and road construction projects on paper, and embezzle the funds. Such irregularities should not be limited to news items, consumers should inquire and find the truth. Though the Act says that all public agencies should make their work, income and expenditure, and progress report public every three months, that is not done. The Health Ministry sends medicines to all health posts for free distribution, but they seldom get there. It's high time citizens asked who really benefits from the medicines meant for the sick, and where these medicines disappear. People likewise complain they do not get the allowance and vehicle fare allotted to new mothers.

Nepal Oil Corporation incurs a heavy loss every year because coupons for free oil are provided to people with political influence. People should seek information about those parasites and make them accountable for every liter of oil they have guzzled. The Act regards political parties as public agencies. The public should investigate the source of politicians' income, and raise questions about their property and vehicles worth millions. If the Right to Information is implemented properly, a poor nation like ours won't need foreign aid. A single application can expose corruption and irregularities, and transparency can be maintained.

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Source:

http://www.myrepublica.com/portal/index.php?action=news_details&news_id=65028

28 NOVEMBER 2013

169) Training of journalists a must: US embassy official

November 28, 2013

Counsellor for Public Affairs, US Embassy Angela Aggeler on Wednesday said that regular training of journalists is mandatory to improve their capacity and make them capable of providing accurate information to the masses.

"Media need to provide accurate news to the general public, as provision of no information is better than false information, as false information is highly dangerous for state and general public" Angela Aggeler, said while addressing the third National Media Conference organised by

Individualland Pakistan, a research based consulting and advocacy firm with the collaboration of Friedrich Naumann Foundation.

The conference was attended by journalists, media personnel and civil society members from across the country. This year's conference was titled 'evolution of media: requirements, facts and fears from a free, independent and responsible media's (FIRM) perspective.'

The counsellor for Public Affairs US embassy said that all of us witnessed quite an eventful past decade in and around Pakistan and the citizens would not have felt more informed without the existence of a free and independent Pakistani media. "When I was a child, there were less sources of getting news, but now-a-days, news can be read on mobile phones even", he said.

Toby Mendel Executive Director Centre for Law and Democracy, while highlighting the importance of Right to Information (RTI) law, said that earlier, RTI law was adopted only in 14 countries, but presently 95 countries have adopted it including Pakistan due to which quality of access to information is improving with each passing day.

He said that Pakistan had adopted Right to Information Law in 2002, but unfortunately it was a very weak law. Pakistan got very low points in a survey that was carried out to check the usage and quality of RTI law world-wide, he said.

Toby appreciated the Right to Information law recently launch by Khyber-Pakhtunkhwa government. Right to information law is one of a powerful tools for journalists for breaking news stories, he said.

Earlier in his opening remarks Gulmina Bilal Ahmad, Executive Director Individualland Pakistan, said, "I sometimes visualise our media as a car racing event, where every driver wants to reach the finish line before the other without caring for smaller bumps and speed breakers and without looking into the rear-view mirror. But now is the time to introduce a rear-view mirror in these cars."

She said that according to PFUJ as many as 18,000 journalists working in Pakistan, but the training of media personnel is very limited in the country. Few organisations like us try to provide training to the journalists. Individualland Pakistan has outreach in 76 districts of Pakistan and provides training to approximately 3,000 journalists.

She said that the main objective of the national media conference 2013 is to get an idea from journalists as to what can be done to improve journalism in the country.

Mukhtar Ahmed Ali, Chief of Party Citizen's voice project also highlighted the need of 'RTI' and the role of media in a democratic society. He said that KPK government has launched a strong RTI law, but unfortunately federal government and the government of Balochistan have taken no initiative in this regard.

Zahid Abdullah, Center for Peace and Development Initiative, who is an expert on the subject matter focused on the implementation of RTI. He further added, "Although the right is in existence from more than a decade now, but its implementation is still weak."

Source:

<http://www.brecorder.com/general-news/172/1259150/>

Also Available At:

http://www.dailytimes.com.pk/default.asp?page=2013%5C11%5C28%5Cstory_28-11-2013_pg7_4

29 NOVEMBER 2013

170) Civic empowerment must to implement RTI

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Himalayan News Service

KATHMANDU: Experts and stakeholders have highlighted the need of civic empowerment for the strong implementation of Right to Information.

They also underlined honest attitude on the part of both information giver and receiver.

Addressing a national seminar on 'Citizens Awareness on the Use of Right to Information' organised by Media Advocacy Group in Lalitpur, today, Minister for Information and Communications Madhav Paudel admitted that Right to Information has not been implemented properly, though it is guaranteed in the constitution. "Public awareness plays a vital role for its use in real sense," Paudel said, adding that there should be mutual relationship between information giving body and public who receive the information. He expressed hope that the new Constituency Assembly would fill the Information Commission which has been vacant for a long time.

Joint Secretary Shankar Koirala, who is also the Spokesperson for the Ministry of Home Affairs,

said that people are ignorant about their rights and privileges due to the lack of information. He stressed the role of government and various organisations in making the general public aware about their right to information. He also suggested to the concern body to know in details as to what information should be sought and what should not be given.

Dinesh Thapaliya, Joint Secretary and Spokesperson for the Ministry of Local Development, made a request for managing the local body or a mechanism to implement Right to Information'. "When there is no development of the system to provide information by local bodies which are near and dear of the general public, we cannot established Right to Information," he said. "We have just finished the elections to the Constituent Assembly; now we should have major agenda of local election." Kashi Raj Dahal, Constitution and RTI expert, said to implement Right to Information, activities of political parties should be transparent.

In the programme, participants from districts had shared their field experiences about Right to Information.

Source:

<http://www.thehimalayantimes.com/fullNews.php?headline=Civic+empowerment+must+to+implement+RTI&NewsID=398130>

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