

THE RIGHT TO INFORMATION IN INDIA

MONTHLY NEWS DIGEST

(October 2013)

Compiled by

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NAME OF THE NEWSPAPER	NO. OF NEWS STORIES
The Economic Times	5
The Hindu	39
The Hindustan Times	11
The Indian Express	9
The Pioneer	1
The Times of India	60
The Tribune	3
Total	129

01 October, 2013

1. Allahabad High Court directs hospital to give details on free treatment to patients

Allahabad, October 1, 2013 Omar Rashid

Petition takes into consideration two reports in The Hindu; court asks questions on the reports

The Allahabad High Court on Tuesday directed the Kamla Nehru Memorial Hospital (KNMH) to provide details of whether it gave free treatment to poor patients as per the policies of the Central government and the State Government.

The Court also sought the names and addresses of cancer patients who have been given free treatment in the hospital in the last five years as per the National Cancer Control Programme (NCCP) guidelines.

The KNMH is one of the 27 Regional Cancer Centres in India and is presided over by the UPA chairperson, Sonia Gandhi.

A Division Bench of Acting Chief Justice Rakesh Srivastava and Justice Laxmi Kanta Mohapatra passed the order on a Public Interest Litigation by Aam Aadmi Party volunteer Saumya Bahadur and another respondent.

The petition takes into consideration a June 14 report by *The Hindu* titled “Kamla Nehru Hospital got excess grants, reveals RTI query”. The report noted the Comptroller and Auditor General’s (CAG) observations on how, despite receiving excess grants, the hospital kept funds unutilized to rake in interest. The report also pointed out that free and subsidised treatment was provided to people with influence rather than to the needy. The hospital could not provide any “clear answers” to queries put by the CAG. The report also mentioned other cases of financial irregularities in the hospital and raised questions on its Regional Cancer Centre (RCC) status.

The Court also sought to know if any fund had been provided for the treatment of a 10-year-old cancer patient from Allahabad, Shivani Kesarwani, who belongs to a family that is Below Poverty Line.

An August 6 report in *The Hindu*, titled “Do BPL patients get their due at cancer centres?” narrates Shivani’s story.

Shivani’s parents alleged that they did not receive any assistance from the hospital despite belonging to the BPL category. Instead, the KNMH had recommended Shivani to the Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow, despite both hospitals being

RCCs. But since her family could not afford the new costs, they decided to continue treatment at KNMH. Since then, Shivani has received Rs 1 lakh from the Chief Minister's Fund.

However, Shivani's father Suresh Kesarwani, a gas delivery hawker, says the amount won't be enough but also expressed hope since the Court has taken up his daughter's case.

"It is costly and difficult to find people for bone marrow transplant, so she will require treatment all her life. We hope she is provided free treatment. Since the court has taken up the issue, we have full faith that something positive will happen," he said.

Siddharth Nandan, counsel for the petitioners, said the hospital was involved in financial bungling and cancer patients were being deprived of benefits due to political reasons and manipulation of government agencies.

The Court has also sought details on the number of beds earmarked in KNMH for cancer patients as per the NCCP.

Source: The Hindu, <http://www.thehindu.com/news/national/other-states/allahabad-high-court-directs-hospital-to-give-details-on-free-treatment-to-patients/article5190249.ece>

2. 40% civic maternity homes don't have ambulance, reveals RTI

Tabassum Barnagarwala : Mumbai, Tue Oct 01 2013, 01:27 hrs

Almost 40 per cent or 11 civic maternity homes in the city do not have an ambulance, according to information obtained under the Right to Information (RTI) Act. The Brihanmumbai Municipal Corporation (BMC) has 27 maternity homes and a mother and child hospital, which cumulatively handle close to 50,000 births yearly.

With around 1.6 lakh births a year in the city, a large chunk of the lower-income group depends on the 28 maternity homes and 24 civic hospitals. However, with only 17 such maternity homes providing ambulance, many women in labour fail to make it on time for delivery.

"A maternity home's ambulance can be called only between 9 am and 4 pm. In such a case, it becomes difficult for women in labour to travel from their homes to a maternity home," said Dr Saida Khan, a corporator from L-Ward (Kurla).

According to BMC data, the maternity homes also face staff shortage, with 32 per cent medical posts currently remaining vacant. Among them, seven have a 50 per cent vacancy. Of the 87 sanctioned posts for medical staff, 59 have been filled so far.

At Oshiwara Municipal maternity home ub Jogeshwari (West), all three posts for medical staff are lying vacant, and it currently relies on para-medical staff.

The situation for para-medical staff and class IV employees is a little better. There is 20 per cent vacancy in posts for para-medical staff and 13 per cent in class IV employees.

Three maternity homes — Chunabhatti, Tagore Nagar and Riddi Garden — have no Doppler foetal monitor. A Doppler is an ultrasound, which is required during pregnancy to assess the growth and condition of a baby in the womb.

Dr Yogeshwar S Nandanwar, head of neonatology at Sion hospital, said, "In the absence of a Doppler monitor, a doctor has to rely on stethoscope to measure the heart rate of a baby, which is a vague assessment. A Doppler is more accurate."

There is also a dearth of paediatricians. "Only around seven maternity homes have paediatricians. A maternity home must house at least one," said Khan.

According to the RTI data, there were close to 55,000 registrations across all maternity homes till September 20 this year. Only 27,745 deliveries, however, have taken place. "This shows that only about 50 per cent deliveries happened at maternity homes," Khan said.

Source: Indian Express: <http://www.indianexpress.com/news/40--civic-maternity-homes-dont-have-ambulance-reveals-rti/1176582/>

3. Get your Act together first: central panel tells power SE to get RTI training

Vinod Kumar, Hindustan Times Chandigarh, October 01, 2013

Giving a dressing-down to the UT electricity department's superintending engineer, MP Singh, for not giving proper responses to pleas filed under the Right to Information (RTI) Act, the Central Information Commission (CIC) has directed him to undergo training for his duties as the first appellate authority under the law.

The matter pertained to a plea filed on July 27 last year by Rakesh Sood, a resident of Panchkula, who had asked the central public information officer (CPIO) of the UT electricity department for copies of correspondence between the sub-divisional officer of division 5 (operations), Industrial Area, and the executive engineer of division 2 (operations) over power lines emanating from a 11KV fire brigade feeder.

The CPIO, on August 24, 2012, told Sood that due to non-availability of his specific address, the information could not be provided. Sood then submitted the address and appealed before the first

appellate authority (FAA), that is MP Singh. But Singh denied the disclosure of information in his order of September 26, 2012, saying that it was voluminous and also pertained to a 'third party'. Sood then appealed before the CIC.

In its order on Tuesday, the central commission stated that the denial of information was "reflective of complete lack of application of mind or sense of responsibility by FAA (Singh), who is warned to discharge the responsibilities ascribed to him under the RTI Act henceforth".

The commission also directed him to provide the information to Sood free of cost for the period 2008-12 within three weeks.

As per the section 19(8)(a)(v) of the RTI Act, the CIC has the power of enhancing the provision of training for its officials.

Further, the commission took cognisance of Singh's move to dispose of four similar RTI applications through a common order on September 26, 2012, which was not the correct method of disposal. So the FAA has been directed to issue separate orders for each plea. Unhappy with the attitude of the department, Sood had also lodged a complaint with UT adviser KK Sharma in October last year.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/Punjab/Chandigarh/Get-your-Act-together-first-central-panel-tells-power-SE-to-get-RTI-training/SP-Article1-1129801.aspx>

02 October, 2013

4. HC asks hospital to give details on free treatment

Omar Rashid Allahabad, October 2, 2013

Court order follows petition citing two reports in The Hindu

The Allahabad High Court on Tuesday directed the Kamla Nehru Memorial Hospital (KNMH) to provide details of any free treatment to poor patients as per the policies of the Centre and the State government.

The court sought the names and addresses of cancer patients who have been given such treatment in the last five years as per the National Cancer Control Programme (NCCP) guidelines.

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The petition takes into consideration a June 14 report by *The Hindu* titled “Kamla Nehru Hospital got excess grants, reveals RTI query.”

The report noted the Comptroller and Auditor General’s (CAG) observations on how, despite receiving excess grants, the hospital kept funds unutilised to rake in interest. The report also pointed out that free and subsidised treatment was provided to people with influence rather than to the needy. The hospital could not provide any “clear answers” to queries put by the CAG. The report also mentioned other cases of financial irregularities in the hospital and raised questions on its Regional Cancer Centre (RCC) status.

The court also sought to know if any funds had been provided for the treatment of a 10-year-old cancer patient from Allahabad, Shivani Kesarwani, who belongs to a family that is Below Poverty Line.

An August 6 report in *The Hindu*, titled “Do BPL patients get their due at cancer centres?” highlighted Shivani’s plight.

Shivani’s parents alleged that they did not receive any assistance from the hospital despite belonging to the BPL category. Instead, the KNMH had recommended Shivani to the Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow, despite both hospitals being

RCCs. But since her family could not afford the new costs, they decided to continue treatment at KNMH. Since then, Shivani has received Rs. 1 lakh from the Chief Minister's Fund.

However, Shivani's father Suresh Kesarwani, a gas delivery hawker, said the amount won't be enough. "It is costly and difficult to find people for bone marrow transplant, so she will require treatment all her life. We hope she is provided free treatment. Since the court has taken up the issue, we have full faith that something positive will happen," he said.

Siddharth Nandan, counsel for the petitioners, said the hospital was involved in financial bungling and cancer patients were being deprived of benefits due to political reasons and manipulation of government agencies.

The court has also sought details on the number of beds earmarked in KNMH for cancer patients as per the NCCP.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/hc-asks-hospital-to-give-details-on-free-treatment/article5191440.ece>

5. RTI activist: BBMP hid facts about Malleswaram market

Bangalore, October 2, 2013 Staff Reporter

The Bruhat Bangalore Mahanagara Palike withheld information about a mortgage from the Bangalore Development Authority when it handed over the Malleswaram market for joint development, according to documents accessed by RTI activist B.M. Shivakumar.

In a May 16, 2012 memorandum of understanding between the two agencies, the BBMP said the project site is "free from all encumbrances". However, documents accessed by Mr. Shivakumar under the RTI Act show that the market was mortgaged to the Housing and Urban Development Corporation (HUDCO) by the BBMP on March 23, 2012, for Rs. 256.53 crore.

Not only did the suppression of this fact impact the BDA adversely, it also was done without the knowledge of HUDCO, alleges Mr. Shivakumar. "It is just like transfer or sale of a property on which you have taken a loan. You cannot enter into such a transaction without the knowledge of the bank or credit agency. And not informing the beneficiary of the sale or transfer about the mortgage also amounts to fraud."

The BDA has taken another loan on the property from the contractor hired to construct a new mall in place of the old market. Owing to financial crunch, the BDA has promised to treat the Rs.

132 crore payable for construction of the market as a loan from the builder. This money will be paid to the contractor in six annual instalments with a 14 per cent interest, amounting to Rs. 18.5 crore per year only as interest.

“How can you take a loan on the same property twice?” Mr. Shivakumar asks. However, he says that even after he brought the issue to the notice of the BDA Commissioner, he took no action. Both the BBMP Commissioner as well as the BDA Commissioner were unavailable for comment.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/rti-activist-bbmp-hid-facts-about-malleswaram-market/article5191530.ece>

6. States not promoting Buddhist sites: RTI reply

New Delhi, October 2, 2013 Madhur Tankha

Even though foreigners from South Asian countries come to India to visit Buddhist sites, the archaeological departments of various States are neither promoting nor spending enough funds for the upkeep of around 50 such ancient sites.

This information was provided in reply to a query filed under the Right to Information Act by non-government organisation Buddhist Forum.

For the past three years, the Forum has been seeking information on 12 aspects including exploration, excavation, preservation and promotion of Buddhist sites from 1990-2011.

“The results were shocking...the total financial spending of the States’ archaeological departments on the ancient Buddhist sites under their jurisdiction in the past 21 years was only Rs.17.63 crore. A majority of pilgrims from South Asian countries want to visit places other than known ones like Bodh Gaya. But these are not being maintained in a way that attracts the tourists,” a member of the NGO told *The Hindu* .

Arunachal Pradesh has spent the maximum amount (Rs.14 crore) on the maintenance of living monasteries like the Tawang Monastery, Gaden Rabgyeling Monastic School in Bomdila and Singsur Nunnery. Gujarat comes second with Rs. 1.92 crore as it has promoted Buddhist heritage by organising an international seminar.

In the third place is Haryana which has spent Rs.80.60 lakh on two sites at Yamuna Nagar and one at Kurukshetra. Jammu and Kashmir has spent Rs.28 lakh on Parihaspora and Pattan. Maharashtra has spent Rs.25 lakh on just one site in Osmanabad.

Andhra Pradesh, boasting a number of Buddhist sites, has spent only Rs.18.63 lakh, Odisha spent Rs.8.26 lakh on five sites and Kerala invested just Rs.57,787 on four sites.

Though Buddha attained enlightenment in Bihar and the State attracts a number of foreign tourists, the State Archaeological Department has listed only three protected Buddhist sites in Bihar. There is no information on tourist promotion and providing toilets, lighting and pathways. Historically, Uttar Pradesh is the most significant area concerning Buddhist culture but the RTI reply from office of State Archaeological Department was that it did not have any State-protected Buddhist site under its jurisdiction in the past 21 years. Neither could it list any Buddhist site in whole of Uttar Pradesh.

Though Dharamshala is seen as the second home of Tibetan Buddhism, Himachal Pradesh's State Department has still not initiated any move to protect sites under its jurisdiction.

Roshan Lal Negi, a Buddhist scholar in Himachal Pradesh, said in Lahaul-Spiti itself there are about 20-30 sites which bear evidence of ancient Buddhist culture and heritage.

“Honeymoon couples are allowed to visit the Ashoka Pillar at Sarnath. This discourages travellers from South Asian countries to visit this site. Similarly, other sites are not being used as places of spiritualism,” he said.

States like Rajasthan, Himachal Pradesh, Manipur, Meghalaya, Karnataka, Tripura and Uttarakhand never identified and preserved Buddhist sites. Archaeological Department of Madhya Pradesh, which has Sanchi Stupa, has no record of funds spent on the ancient Buddhist sites.

To keep alive Buddhist tradition, the NGO will file a petition in the Supreme Court so that the State departments spend appropriate maintenance on the upkeep of Buddhist sites.

Only Rs.17.63 crore spent in the last 21 years on 50 such sites

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/states-not-promoting-buddhist-sites-rti-reply/article5191632.ece>

03 October 2013

7. M.P. government cracks down on environment activists

Pheroze L. Vincent Bhopal, October 3, 2013

They were protesting in Sidhi against diversion of forest land to cement factory

Hardly a fortnight after the Madhya Pradesh government scuttled the Jal Satyagraha against submergence by dams, it has again come down hard on activists in Sidhi protesting against diversion of forest land for a cement factory.

On the intervening night of September 30 and October 1, 22 protesters in Sidhi district were arrested for attempting to burn effigies of the district administration and Jaypee Cement. They were sent to prison for a fortnight after refusing to sign bonds that they would not protest.

A local NGO, Toko-Roko-Thoko Krantikari Morcha (TRTKM) found out through an RTI response that 525 acres in the Kaimor Hills were allotted to Jaypee Cement for quarrying. The area is close to the Sanjay Gandhi Tiger Reserve and it is in this range that the White Tiger was discovered in 1950.

“We did not know that the forest will be cleared as there was no public hearing or any environment report shown to us. We started meeting local revenue and forest officials from August 16, but they said everything is legal,” Rishabh Kumar, a protester, told *The Hindu* .

On August 20, women symbolically tied rakhis to trees in the forest. After a strong protest, the villagers said they were assured by Additional Collector Anil Khare and Divisional Forest Officer R.B. Sharma on September 20 that work would be stalled until Jaypee and the government held an awareness camp in Pipraon village.

“On September 26, bulldozers started clearing up the forest to show it was a wasteland. It was futile to picket as there were too many police personnel. Three villagers — Rajesh Pandey, Harishankar Tiwari and Devendra Tiwari — sat on an indefinite fast on top of the hill while the rest started sloganeering,” TRTKM secretary Sachin Chouhan said.

On September 30, when the villagers attempted to burn effigies at the foothill, they were arrested and taken to Pipraon police station. Superintendent of Police Navneet Bhasin evaded questions and later stopped taking calls from this newspaper.

Around 1,500 villagers laid a siege to the police station in the evening. Police pacified them saying they would be released once the SP and Collector reach.

“Around 11, the lights went out. Already around 500 police personnel gathered and started a lathi charge. Everyone began to flee and in the melee they took away our friends to the district jail,” said Mr. Chouhan.

Collector Swati Meena refused to give any clarification. “It is a law and order matter and I will not talk to you on the phone. You can write what you want,” she told this reporter.

Sources in the administration said there were orders to prevent the agitation from intensifying. “Collector Madam is strict. She was transferred here in June from the Commercial Taxes department. Development and industry is her priority,” an officer said on condition of anonymity.

Opposition leader Ajay Singh, MLA of Churhat under which Pipraon falls, told *The Hindu* that the Congress would support the movement. “Why will the district administration talk to the villagers when the Chief Minister [Shivraj Chouhan] is in the pocket of the Jaypee Group? The BJP is neck-deep in illegal mining,” he claimed. The indefinite fast continues even as the bulldozers clear the hills. No senior official or politician has met the protesters yet.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/mp-government-cracks-down-on-environment-activists/article5194618.ece>

8. ‘Data in public domain critical to environmental vigilance’

Panaji, October 3, 2013 Special Correspondent

Environmentalist stresses need for proper information

Madhav Gadgil, Chairman of Western Ghat Ecology Expert Panel.– File Photo

Environmentalist Madhav Gadgil has said that the governments are duty-bound to maintain important environmental-ecological and natural resources data and put it in the public domain so that people can remain vigilant over environmental aspects and can counter threats of their degradation by activities like mindless mining.

Speaking at an interactive session organised by Goa RTI Forum in the city on “Environment and Right to Information Act” on Wednesday, Mr. Gadgil said that lack of proper information database by the State government had allowed miners in Goa over the years to manipulate information and undertake mining rampantly thereby destroying natural resources like ground water sources.

The Chairman of Western Ghat Ecology Expert Panel said the Goa government's Hydro-Geology department had failed to compile adequate information about streams and other groundwater sources throughout the mining belt, and that paucity of information is used by mining companies to make false claims through inaccurate environmental impact assessment studies to manipulate the public hearings and get away with reckless mining.

He also regretted that a similar situation prevailed with regard to the Health Department, which had never compiled crucial public health information in mining areas through their public health centres.

"Agriculture Department does not maintain proper data on cropping patterns over the years. It is time people assert themselves and compel the government to do this," he said as he urged the right to information (RTI) activists to utilise RTI as an instrument to compel governments to compile and make available this kind of critical data in public domain.

In reply to a question over his panel report on Western Ghats, Mr. Gadgil said it was very clear that none of the States was willing to translate the gist of the report in their local languages and make it available to people in Gram Sabhas in the Ghat region so that people can give their feedback.

"If the report is to be accepted, they will have to do this immediately for people's participatory process as envisaged by our report, and to solicit their opinion on our recommendations," he remarked.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/data-in-public-domain-critical-to-environmental-vigilance/article5195168.ece>

9. Petition alleges misappropriation of funds

CHENNAI, October 3, 2013

MISAPPROPRIATION OF FUNDS ALLEGED:

A writ petition has been filed by a farmer of Sithamalli in Cuddalore district for a direction to the Collector to initiate appropriate action against those who allegedly misappropriated funds allotted for the construction of toilets in his village. He said the authorities should ensure that the toilets sanctioned under the Total Rural Sanitation Programme (TRSP) are constructed.

The petitioner, S.P. Ravichandran, filed an RTI application with the Kattumannarkoil Panchayat in February 2012 which gave a list of 80 beneficiaries and the sums distributed through SHGs.

When he verified, he found that out of the 80 beneficiaries, only 15 toilets had been fully constructed, 25 partly built and the remaining 40 not constructed at all. — Special Correspondent.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/petition-alleges-misappropriation-of-funds/article5194766.ece>

10. “Not overstaying”

Staff Reporter New Delhi, October 3, 2013

Deputy Leader of the Opposition in the Rajya Sabha Ravi Shankar Prasad has refuted the Directorate of Estate of the Ministry of Urban Development’s claims that he is among the former Union Ministers who continue to occupy houses meant for Ministers.

On Tuesday, Mr. Prasad said: “The inclusion of my name is factually incorrect and based upon insufficient information. I was allotted type VII bungalow in my capacity as Minister. However, after I demitted office, the bungalow was reverted to the Rajya Sabha pool ... I am in the third term as Rajya Sabha member. Besides being a former Union Minister, I am the Deputy Leader of my party [BJP] in the Rajya Sabha and as per proper entitlement, the bungalow has been allotted to me by the House Committee of the Rajya Sabha from its own pool where I continue at present. Obviously the RTI information about me is not correct,” he said

Source: The Hindu <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/not-overstaying/article5194834.ece>

04 October2013

11. Lapses in recruitment process alleged

Rajahmundry, October 4, 2013 Staff Reporter

Some candidates, who attended the written test and the interview conducted by Gujarat State Petroleum Corporation Limited (GSPC) for recruitment of graduate engineer trainees for its Mallavaram gas terminal, have alleged irregularities in the process. Speaking to media persons here on Thursday, one of the candidates, Raghu Maheswar, a B.Tech (petroleum engineering) graduate, said that he attended the written test and the interview conducted by GSPC at Kakinada in January, 2013. But the corporation neither put the result on its official website, nor informed the same to the candidates through mail.

After a period of six months, Mr. Maheswar sought information under the RTI. After so many reminders and phone calls he received a letter from GSPC after a period of 45 days which contained no proper information.

Mr. Maheswar further alleged that the company had violated norms such as quota for local candidates that were usually followed in any recruitment process.

However, the GSPC office here, has clarified that there were 15 vacancies for the post of graduate engineer trainees in the stream of petroleum engineering and only 11 candidates appeared for the interview. Of them, the company selected only five candidates who include two non-local candidates.

One of the candidates says the company has violated the norms.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/lapses-in-recruitment-process-alleged/article5199597.ece>

12. Taking interest in transparency

October 4, 2013

The Reserve Bank of India has taken the high moral ground in directing commercial banks to desist from certain “pernicious practices,” which, in its view, “deter consumer protection and accounting integrity.” At the core of its directives is the fairly widespread practice of certain banks which offer retail loans at “zero per cent” interest to purchase high value consumer durables such as LCD TV sets, smart phones, high-end refrigerators and the like. Arguing that there is no such thing as an interest free loan, the RBI has laid down guidelines that will make a

large swathe of retail lending by banks more transparent. Lending banks should use their clout with the dealers of consumer durables to get the best possible bargains and, equally importantly, pass on those benefits to their borrowers in a transparent manner. There are special reasons why such seemingly pedestrian advice is warranted. Subvention, a kind of subsidy that manufacturers offer, as well as a moratorium on payment, are fairly common practices to boost sales. There has been a disquieting tendency among banks of not giving their customers information on the full extent of these concessions. Even more unacceptable has been the practice of part-loading these to the interest rate charged to make the latter appear lower. Banks have now been asked to pass on the benefits to their consumers “fully and indiscriminately” without camouflaging them in the form of lower interest rates. Thus a discount on the price should automatically mean a lower quantum of loan. Repayment of the loan should commence only after the moratorium period.

Equally undesirable are the related practices of zero percent EMI schemes on outstanding credit card balances. Here again, zero interest is a misnomer as borrowers are charged a processing fee. Canons of transparency require all such fees — processing as well as others — to be uniform across all products and segments. Finally, no fee should be charged on debit card transactions. The RBI guidelines are welcome and, in many cases especially relating to credit card usage, overdue. Transparency in lending is a welcome trait and the authorities should encourage banks to move towards complete disclosure. The directive could, however, deal a deadly blow to consumer durable sales, which generally peak during the festival season, just round the corner. Yet, from an overall perspective, consumer protection is probably more important than a short-term dip in sales of consumer durables, which will rebound over time anyway. By seeking to make expensive products affordable to even those who cannot really afford it, the “zero-interest” schemes, which were not really that, were drawing consumers into a debt-trap. It is just as well that the RBI stepped in.

Source: **The Hindu**, <http://www.thehindu.com/opinion/editorial/taking-interest-in-transparency/article5197635.ece>

13. Fill up vacant info panel posts: Patna high court

TNN | Oct 4, 2013, 05.32 AM IST

PATNA: The Patna high court on Thursday ordered the state government to fill up the vacant posts of state information commissioners in the [State Information Commission](#) (SIC).

The order was passed by a division bench comprising Justice Navin Sinha and Justice Vikash Jain while hearing a petition filed by the Nagrik Adhikar Manch earlier this year. The petitioner had pointed out that of the four posts of state information commissioners, only one was functional. It had alleged that the delay in appointment was meant to shield corrupt officers. Hearing the petition, the division bench had earlier observed, "The purpose of the (RTI) Act is to provide speedy information to the public to promote transparency and accountability by public authorities. The state is expected to act expeditiously by filling up vacancies, so that cases do not linger for lack of adequate authorities to hear them."

It had asked the state government to file a counter affidavit. Submitting the same on Thursday, State's counsel Lalit Kishore informed the court that steps had been taken to fill up the posts of commissioners. Petitioner's counsel [Dinu Kumar](#) pointed out whereas under the RTI Act the state has to furnish information to the information seekers within 45 days, more than 22,000 cases were pending with the SIC.

PMCH medicine scam: The same bench, while hearing a PIL filed by [Vikash Chandra](#) alias Guddu Baba, ordered the state health department to take proper action against the persons involved in PMCH medicine scam.

Petitioner's counsel Surendra Kumar Singh had submitted before the court that medicines worth Rs 67 lakh expired at the surgical store of [Patna Medical College Hospital](#) (PMCH) and the medicines that expired in May 2012 were entered in the hospital register in December.

He also informed the court that an amount of Rs 1.35 crore was released to the hospital through 'Rogi Kalyan Samiti'. With the fund, dresses for patients (kurta-pyjama) worth Rs 96.7 lakh were purchased but till date, not a single pair has been distributed among patients. Giving the state government six weeks' time, the court asked it to file a counter-affidavit mentioning the steps taken in this regard.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/patna/Fill-up-vacant-info-panel-posts-Patna-high-court/articleshow/23484370.cms>

05 October 2013

14. Now, former DPI schools faces heat for hiding RTI info

HT Correspondent , Hindustan Times Chandigarh, October 05, 2013

Days after the principal of Post Graduate Government College (PGGC), Sector 11, JS Raghu received a showcause notice from the Central Information Commission (CIC) for deliberately withholding RTI information, the CIC Deepak Sandhu has now criticised former DPI (schools) Upkar Singh for the same reason.

The commissioner Sandhu accused him of showing a 'rigid and narrow mindset which does not support transparency in the functioning of public authorities.'

The former DPI faced the heat for denying giving information to a teacher who demanded it under the Right to Information Act.

Irked with Singh's conduct, the commission has recommended his immediate removal from the post of First Appellate Authority (FAA), Education department, along with imposing a fine of Rs. 5,000 on the UT education department for harassing a teacher.

The directions have been passed on an appeal filed by Sangeeta Rani, headmistress of a local school. Rani had sought information under the RTI act pertaining to the status of her case relating to anomaly in pay, on November 11, 2011, from the district education officer (DEO), Chandigarh administration.

On November 29, 2011 the DEO had furnished the requisite information. Not satisfied with the reply, she approached the DPI schools on December 12, 2011, who is the first appellate authority, but to no avail. She then approached the commission on January 25 seeking directions to decide her appeal.

The commission gave two weeks time to the DPI to decide Rani's appeal in July. Much to her embarrassment, her case was not decided. She approached the CIC again on September 17, 2012.

In its defense, the education department then took the ground that neither it had received Rani's application, nor it had received the commission's orders.

However, the department's lie was nailed by Rani after she produced a copy of the receipt of e-Jan Sampark Centre and other documents to prove that her appeal and commission's orders were received by the department.

She further alleged that 'in violation of directions of the commission', she was never called for hearing by the DPI. The DPI had asked her to appear for hearing after a year, according to Rani. The concerned officials have been directed to appear before the commission in the second week of November. Commenting on the conduct of DPI, the CIC has ruled, "Such an approach is contrary to the true spirit of the RTI Act and is indicative of a very narrow and rigid mindset which does not support transparency in the functioning of public authorities." The former DPI, schools, could not be contacted for comment.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/Punjab/Chandigarh/Now-former-DPI-schools-faces-heat-for-hiding-RTI-info/SP-Article1-1131556.aspx>

06 October 2013

15. Pakhowal BDPO starts action against encroachment by farmers on drains

Ravinder Vasudeva , Hindustan Times Ludhiana, October 06, 2013

Pakhowal block development and panchayat officer (BDPO) has finally initiated an enquiry into the allegations as per an RTI revelation that the farmers of a few panchayats of Ludhiana district have 'illegally' converted the drains into agriculture land for personal use.

The action by the BDPO is followed by a section of media reports that a large number of drains, which had been constructed in the '60s to control waterlogging and floods, have been encroached upon by the farmers at Latala, Chappar and Dhulkot villagers.

BDPO Pakhowal, Harkamaljeet Singh said, "We have asked the Panchayats to collect revenue record of all chunks of the land that are being used for agriculture as per the allegations. Once, the Panchayats come on record, we will be able to prove the allegations and take action, if required."

The RTI information received by the activist Kuldeep Khaira revealed that total land measures 28 acre, 3 kanal and 3 marla. Out of which 99 kanal, 17 marla of Latala village; 55 kanal, 5 marla of Chappar village and 72 canal, 1 marla of Dhoolkot village is under illegal possession of some politically influential people of these villages.

The RTI activist along with the copy of report prepared by the revenue department, farad of the encroached land, complained to the DDPO in the month of August to take action against the encroachers.

Following the complaint, the DDPO has instructed the BDPO Pakhowal to take necessary action. The encroachments by the farmers have resulted in the closure of drains, which used to carry away rainwater and saved ponds from being overflowing.

As per sources, in many instances, the encroachers were the office-bearers of the village panchayats as well **and the local leaders having allegiance with the ruling SAD.**

Sources said at least 30 people of Chhappar village had been cultivating crops on a drain measuring 55 kanal and 5 marla and were earning huge profit as this land of the drain was very fertile, whereas 28 farmers of Dhoolkot village were found to have encroached land of the same drain measuring over 72 marlas.

About 100 kanal meant for a drain in the jurisdiction of Latala village is being cultivated by 22 families of the same village.

Even as a number of times efforts have been made by the department to vacate the land when it came into notice after several enquiries by the revenue department that the land belonged to the drainage department, but no action had been initiated.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/Punjab/Ludhiana/Pakhowal-BDPO-starts-action-against-encroachment-by-farmers-on-drains/SP-Article1-1131794.aspx>

16. CM's office okayed ghats for sand mining against CESS advice

Kochi, October 6, 2013 K. A. Martin

Chief Minister intervened on a recommendation by District Expert Committee

Despite several studies highlighting the deteriorating condition of the Periyar on account of unbridled sand mining, Chief Minister Oommen Chandy's office intervened to issue permission to open up more sand mining ghats (*kadavu*) in the Periyar, overruling a recommendation by the Centre for Earth Sciences Studies (CESS) for the 2012-13 season.

Information obtained through an application filed under the RTI Act showed that an order from the Chief Minister's office allowed 12 more ghats than were recommended by CESS to be opened in the Okkal, Koovappady, Kanjoor and Neeleeswaram-Malayattoor panchayats.

The Chief Minister's office intervened after the District Expert Committee on sand mining, which is authorised under the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2011 "to identify the *kadavu* or river bank in a district in which sand removal may be permitted" subject to the other provisions of the Act and the rules made thereunder.

The Act also says that the total quantity of sand that can be mined from the ghats has to be fixed with the help of guidelines from expert agencies like the Centre for Earth Sciences Studies and Centre for Water Resources Development and Management.

The District Expert Committee felt that there were some defects in the CESS recommendations and that these had to be rectified.

The decision to approach the government was taken at the committee meeting on November 8, 2012. Orders from the Chief Minister's office came on December 4, 2012.

The Chief Minister issued the permission for a period of six months during the last season and environmentalists fear that the permission for the extra ghats would have continued into the new season, starting October 2013, if not for the National Green Tribunal verdict in early August which made it mandatory for all sand mining to get environmental clearance. The ghats that

opened up on the recommendation of the Chief Minister are: Kavunkalkkadavu and Thuruthu Parakkadavu in Okkal panchayat; Mundakkalkkadavu and Vallamkkadavu in Kanjoor panchayat; Maanikyathankkadavu (Kattungal), Pottasserrykkadavu and Muzhikkadavu 1 and 2 in Koovappady panchayat; Eettakkadavu, Companykkadavu, Muzhikkadavu and Vysyamkkadavu in Malayattoor-Neeleeswaram panchayat.

Information received under the RTI Act also shows that the Chief Minister intervened on a recommendation by the District Expert Committee, which is authorised by the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2011 to approve sand mining activities. Studies have pointed out that the quantity of sand being mined from the Periyar is at least 30 times the actual quantity that can be taken out without causing damage to the river's environmental system. There are a total of 54 ghats that are opened to sand mining in the district. The ghats are located, among others, in the Kavalangad, Keerampara, Kalady and Kuttampuzha panchayats.

River sand mining is banned for three months during the monsoon and the new season starts in October. Though the new season is open, sand mining operations have officially been halted by the National Green Tribunal verdict.

Source: **The Hindu**, <http://www.thehindu.com/news/national/kerala/cms-office-okayed-ghats-for-sand-mining-against-cess-advice/article5205106.ece>

17. Protest planned against delay in road project

Coimbatore, October 6, 2013 Special Correspondent

Industries, farmers, students and the public living on either side of the Palakkad Road (from Madukkarai to Walayar) will hoist black flags on their buildings on the stretch on October 26, protesting against the delay in widening National Highways (NH 47) Road.

They have formed an apolitical protest committee. They will submit appeals to the National Highways Authority of India (NHAI) and the District Collector in a couple of days seeking completion of the works soon.

P.V. Gopal, who is part of the protest committee, told *The Hindu* on Saturday that according to information collected through Right To Information (RTI) on widening of the Chengapalli-Neelambur, Madukkarai — Walayar road, 67 per cent of the works are over and the contractor has been given time till December 10 to complete it fully.

However, the work has progressed only from Chengapalli to Neelambur.

Nearly one lakh people live on either side of the 12.5 km Palakkad Road that is to be widened. They are affected by the delay in the widening works.

On the Madukkarai to Walayar stretch, there is hardly any progress and it will not be completed by December.

“We have taken photographs of the entire stretch and identified the places where there is a delay,” he said.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/protest-planned-against-delay-in-road-project/article5205832.ece>

18. CIC slams UT for ‘not applying mind’ while deciding RTI pleas

Raghav Ohri : Chandigarh, Sun Oct 06 2013, 01:31 Hrs

The Central Information Commission (CIC) has come down heavily on the Chandigarh Electricity Department for sheer 'lack of application of mind' in disposing of applications demanding information under Right to Information (RTI) Act.

Sample this: Four separate RTI applications were decided by Superintendent Engineer of Electricity Department by one common order. This is 'not the correct method of disposal. This is reflective of complete lack of application of mind or sense of responsibility', reads the order passed by Deepak Sandhu, Chief Information Commissioner.

The Commission has also pulled up the first appellate authority (FAA) of the Electricity Department, the Superintendent Engineer in the present case. The Commission has 'warned' the engineer to 'discharge the responsibilities ascribed to him under the RTI Act henceforth'.

The Commission has also recommended the Supervisory Chief Engineering to provide adequate training to MM Singh. The CIC has directed the Department to issue separate orders in future for each RTI application.

"The Commission is constrained to pass stricture on FAA for having denied disclosure of the requested information under the provisions of Section 8(1) (j) of the RTI Act," reads the order.

The strictures have been passed on a petition filed by Rakesh Sood, resident of Panchkula.

The petitioner had sought information with regard to correspondence that took place between SDO, Xean and superintending engineer regarding laying of high tension wires and low tension wires in Industrial Area, Chandigarh.

Sood had demanded information regarding laying of underground cables of HT (high tension) and LT (low tension) cables in the Industrial Area. He had demanded the entire correspondence which took place from 2008 to 2012.

"The information sought by you is non-specific and extra ordinary voluminous in nature. If public authority department starts preparing/collecting such information, the same will disproportionate divert the resources of the department which is already facing acute shortage of staff. Therefore, custodian of record is unable to supply information", dated CPIO, Xean.

Much to his surprise, not only the department denied the information on the plea that it cannot be shared with since it was 'persona' in nature but the superintendent engineer also disposed of all the four RTI applications by passing one common order.

Finding this method of disposal as 'incorrect', the Commission has directed the department to supply the desired information 'free of cost' within a period of three weeks.

Source: The Indian Express, <http://www.indianexpress.com/news/cic-slams-ut-for--not-applying-mind--while-deciding-rti-pleas/1178956/>

19. Is N K Amin going the Vanzara, Singhal way?

Mayur Joshi, TNN Oct 6, 2013, 07.09AM IST

AHMEDABAD: After jailed encounter specialists D G Vanzara and G L Singhal recently turned against the Narendra Modi government, another volatile accused cop is giving sleepless nights to the establishment here.

Suspended deputy superintendent of police, Narendra Amin, who has been arrested in the Sohrabuddin Sheikh and Ishrat Jahan fake encounter cases, is an angry man. The Ahmedabad Civil Hospital has turned down his request to get treatment as many as 19 times as doctors feel the grounds are insufficient. Now, the arrested cop has sought information under the Right to Information Act on special privileges being granted by the hospital to several other undertrial prisoners from Ahmedabad and Nadiad jails since 2007.

Interestingly, the special privileges extended to policemen jailed for fake encounters is also a subject of investigation of the CBI which wants all the cases transferred to Mumbai — for this reason as well as an overall attempt to subvert the process of justice. The scare in the state government is that Amin, who is known to be temperamental, could also be acting in tandem with the CBI.

The RTI application is aimed at revealing the special status accorded to various senior cops and politicians who were arrested in fake encounters now being probed by the CBI. The civil hospital authorities of Ahmedabad have blocked Amin by stating that since he has sought information about other undertrials, he should get consent letters from all undertrials of both the jails. Only if these are submitted with an application and requisite fees, the information sought will be divulged.

Amin has sought details like names of undertrial prisoners lodged in Sabarmati and Nadiad jails who have been allotted special rooms at the hospital since 2007. Interestingly though, Amin has not sought any such details for Vadodara central jail where he is now lodged.

In his RTI application, Amin has sought details like the number of special room or ward where the prisoners were lodged, when they were discharged, who was the supervising doctor and who had taken the decision to give them admission and keep them in a special room. Amin has sought to know how much money they had paid for the special rooms, whether the money was given by prisoners or state government.

Amin has been in jail since 2007. After he got regular bail in the Sohrabuddin case, he was arrested by CBI in the Ishrat Jahan case. Ironically, Amin was then undergoing treatment at the civil hospital.

Amin is clearly training his guns at other jailed cops, especially Vanzara and Abhay Chudasama who continue to enjoy the privileges which were withdrawn from him.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/ahmedabad/Is-N-K-Amin-going-the-Vanzara-Singhal-way/articleshow/23601848.cms>

20. Societies, trusts declared public authority: NGO

PTI Oct 6, 2013, 02.34PM IST

NEW DELHI: Some societies, trusts and charitable institutions have been declared as public authority covered under the Right to Information Act by different high courts, according to a compilation by an NGO.

The data, which was compiled in the backdrop of a recent government decision to amend the RTI Act to give immunity to political parties from providing information, shows that many private organisations and autonomous bodies have been declared as public authority by state and central information commissions.

"Many information commissions at the central and state level have held several non-government organisations to be public authorities under the RTI Act because they are financed substantially by some government or the other.

"Many such organisations challenged these decisions in various high courts demanding a reversal of the orders but did not always achieve success," Venkatesh Nayak, coordinator (access to information programme) of Commonwealth Human Rights Initiative (CHRI) which has brought out the compilation, said.

The compilation includes a series of judgements declaring cooperative societies, cooperative banks, cooperative sugar mills, private organisations and Special Purpose Vehicles (Private Public Partnerships), autonomous institutions, educational and religious institutions as public authorities.

[Bangalore International Airport Authority Ltd](#) has been declared as public authority by the Karnataka High Court, Delhi Multi Model Transit System Ltd, and Electronics and Computer Software Export Promotion Council by the [Delhi High Court](#) and management bodies of Hindu temples declared public authority by the [Madras High Court](#), it said.

"It is quite possible that some of these judgements may have been appealed against before a larger bench of the High Court concerned or before the [Supreme Court](#)," Nayak said.

Source: The Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/societies-trusts-declared-public-authority-ngo/articleshow/23605453.cms>

21. StockGuru mastermind bombards Sebi with RTI queries

PTI Oct 6, 2013, 12.04PM IST

NEW DELHI: In an interesting use of the [RTI](#) Act, the main accused of over Rs 1,500-crore 'StockGuru' scam is repeatedly seeking information on various money guarantee products and services, as also on regulatory jurisdiction and functions of capital markets regulator Sebi.

Not satisfied with the replies given by Sebi, he has also filed appeals before the capital markets regulator's Appellate Authority for information under the Right to Information (RTI) Act and two such appeals were disposed off last week.

At least two such appeals by the applicant Ulhas who goes by several names like Lokeshwar Dev and Ulhas Khaire, have already been disposed off by the Appellate Authority in the past -- one in September and the other in June this year.

After probing the activities of SGI Group (StockGuru India), [Sebi](#) had passed an order in January against Ulhas, his wife and other entities associated with them, wherein they were barred from capital markets for 10 years and were asked to refund the money collected fraudulently from investors.

The entities floated by the two for their dubious schemes included SGI, SGI Research and Analysis and [StockGuru.com](#).

In his latest RTI plea, Ulhas sought information of products like 'Shubh Dhanvarsha' and the companies promoting 100 per cent money-back schemes, as also on Sebi's powers to regulate 'technical/fundamental' analysis business and financial consultancy business in the country.

After hearing his appeals, the Appellate Authority passed two separate orders on October 1, wherein it said Sebi was not obliged to provide a response where the information sought is not specific. It also asked Ulhas to make fresh application "specifying clearly the exact information he wants from Sebi."

The details sought by him through earlier RTI queries included those related to regulations governing various money-back products and services, as also on the permission granted to various entities engaged in such activities.

In one of his earlier appeals, Ulhas said he was aggrieved with Sebi's reply and the regulator always tries to "hide information... (and) was abusing RTI, as I am the owner of SGI Group and asking for the information for myself."

Earlier this year, Ulhas had tried to get information through RTI from Sebi about complaints and other information against him available with the regulator.

Besides, he had also sought to know whether any company needs to take Sebi's permission before offering a 100 per cent money back guarantee products, refunds or bonds.

Lokeshwar and his wife Priyanka Dev were arrested by Delhi Police's Economic Offences Wing in November last year and are facing a multi-agency probe for allegedly duping lakhs of investors of more than Rs 1,500 crore.

In his latest two RTI applications, Ulhas had submitted 36 queries, while in his earlier two attempts he had sought answers to another 36 questions.

Source: The Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/stockguru-mastermind-bombards-sebi-with-rti-queries/articleshow/23604048.cms>

22. MLAs and babus among top power defaulters

TNN Oct 6, 2013, 03.26AM IST

LUCKNOW: Being people's representatives, state MLAs who should be leading by example are among electricity bill defaulters who owe Rs 15,000 crore in all to the power corporation.

About Rs 1.5 crore is due for payment as electricity charges on a number of MLAs in the state. The government, however, played safe in responding to the RTI query about the magnitude of electricity charges due on MLAs and state officials in the state.

Instead of revealing the names of the MLAs (as was asked in the query) who have not paid to the electricity department for power consumption, the Public Works Department (PWD) provided only the addresses of residential and official units on which the charges are due. The amount is shown due against 17 Vidhayak Niwas (legislator's residence). On top of the list is Vidhayak Niwas-5, housing 70-odd quarters, with about Rs 79 lakh due for payment.

In addition, a huge amount has been shown as due against houses in Mall Avenue. While on one of the residences more than Rs 15 lakh is due for payment, Rs 12 lakh is due against another.

The government has not provided either the list of top officials who owe huge amounts to the electricity department. "I will file an appeal because I sought amount due on each MLA and bureaucrat," said RTI seeker Sanjay Sharma.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/lucknow/MLAs-and-babus-among-top-power-defaulters/articleshow/23600191.cms>

23. NGO files RTI on Vanzara's beard, govt says no clue

Express News Service : Ahmedabad, Sun Oct 06 2013, 02:56 hrs

Responding to an RTI application, the state government has said that it does not have information pertaining to suspended IPS officer D G Vanzara's beard. According to the applicant, there are specific rules for policemen sporting beard while in service such as religion or medical ground; however, the state government seems to have overlooked the rules in case of Vanzara.

Mumbai-based NGO Kutch Ladayak Manch had sought information asking the state government reasons behind permitting Vanzara to grow beard. According to the NGO, there are certain rules for police personnel in service which allow them to grow beard. The NGO filed an RTI on July 15 and sought information from the Director General of Police's office that "for what reason Vanzara was permitted to sport beard." The DGP office sent the application to the Home

department. The Home department on October 5 replied that "it doesn't have any information in this regard".

The red coloured beard has been Vanzara's trademark for more than a decade now.

Vanzara, a key accused in several encounter cases, including Sohrabuddin Sheikh and Ishrat Jahan, has been sporting beard before he was arrested for the first time in 2007 by the state CID probing the Sohrabuddin Sheikh encounter. Vanzara is at currently lodged in the Sabarnati Central Jail here in connection with the Ishrat Jahan encounter case.

Vanzara's beard came to limelight following the statement of an accused policeman, D H Goswami, whose testimony referred Vanzara as "lal dadhi (red beard)" in connection with the Ishrat Jahan encounter case.

Source: **The Indian Express**, <http://www.indianexpress.com/news/ngo-files-rti-on-vanzara-s-beard-govt-says-no-clue/1179356/>

24. Protect RTI activists, Chief information commissioner tells state

Prafulla Marpakwar, TNN | Oct 6, 2013, 02.12 AM IST

MUMBAI: [Chief information commissioner Ratnakar Gaikwad](#) on Saturday asked chief secretary Jayant Kumar Banthia to provide adequate protection to [RTI activists](#) and whistleblowers. "Of late, there has been a sharp increase in the number of assaults on RTI activists. The recent assault on RTI activist Deepti Ghosal is a cause of serious concern. As you are aware, the effective implementation of the RTI Act depends-among other things-on giving adequate protection to whistleblowers and RTI activists who expose the vested interests and corruption in public authorities," Gaikwad said in a letter to Banthia.

Gaikwad said so far, the [state](#) government has not take effective steps for providing protection to RTI activists and whistleblowers.

Gaikwad, himself a former chief secretary, brought to Banthia's notice a resolution passed by the Central Information Commission on September 13, 2011. The CIC had expressed shock over the reported killings and assault on RTI activists across the country and underlined the need to take urgent steps for their safety and protection. the commission strongly believes that it was the duty and responsibility of the state governments to safeguard the life and liberty of the RTI activists, for which purpose, they should invoke the relevant penal provisions for the prevention and detection of such heinous crimes.

Gaikwad asked Banthia to issue necessary directives to the director general of police, commissioners and district superintendents of police to take proactive and effective steps to provide protection to RTI activists across the state.

According to an RTI activist, it was high time Gaikwad reviews the status of safety of whistleblowers.

"After a month, Gaikwad should ask the state government about the measures taken by it for the safety of whistleblowers," said an RTI activist.

He said the issue of protection of whistleblowers had been raised on several occasions before CM Prithviraj Chavan, home minister R R Patil. Even the Bombay HC had asked the state government what steps it was taking for the purpose. "We have security personnel for politicians, but there is lack of seriousness when it comes to the security of whistleblowers. We feel the government itself should obtain information on the threat to the lives of RTI activists and then provide security," he said.

The activist said maximum security has been provided to those politicians who have joined either the Congress or the NCP from the Shiv Sena. "Defectors have been given round-the-clock protection. But the security and safety of RTI activists has been neglected even after submitting specific complaints," he said.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/mumbai/Protect-RTI-activists-Chief-information-commissioner-tells-state/articleshow/23599624.cms>

25. Thanks to PM's intervention, babus escape serving jail term

Aloke Tikku, Hindustan Times New Delhi, October 06, 2013

Prime Minister Manmohan Singh had dropped a provision to send civil servants to jail for mala fide denial of information under the Right to Information Act less than a week before Parliament passed the law in May 2005.

Singh's last minute intervention — essentially overturned a decision taken by the Union cabinet presided by him just three days earlier — came at the instance of the law ministry, according to a fresh set of documents released by the Department of Personnel & Training (DoPT) on its website.

The change helped over 853 civil servants escape the risk of serving jail terms. The CIC had last December told activist RK Jain that it had imposed penalties on 853 public servants after the law came into force in 2005.

This is the first time that the DoPT – which handles all issues related to the civil service, RTI and vigilance — has placed files relating to formulation of a law. The initiative follows a directive of the Central Information Commission on an appeal filed by HT last year.

According to these documents, the Cabinet at its meeting of May 4, 2005 cleared the amendments to the RTI Bill driven by the Sonia Gandhi-led National Advisory Council. This version stipulated that the information commissions would have the power to file complaints with a judicial magistrate against officials who persistently fail to provide information or deny information with mala fide.

The magistrate was empowered to summarily convict the official to one year in jail and impose an additional fine of Rs. 20,000. This was a formulation crafted by a Group of Ministers headed by then finance minister Pranab Mukherjee.

The law ministry —that had been against all penalty provisions — spotted that the provision had survived all deliberations at the GoM and the Union Cabinet that Singh heads.

On 6 May 2005, the DoPT — which had piloted the proposal through the Cabinet — flagged the jail-for-babus proposal to the Prime Minister and asked him to reconsider it.

“It may, however, be submitted that most of the advanced democracies in the world have not considered it appropriate to prescribe ‘imprisonment’ as a penalty,” the DoPT note said.

The PMO responded within a day, dropping the provision for jail term for babus.

Source: The Times of India, <http://www.hindustantimes.com/india-news/newdelhi/thanks-to-pm-s-intervention-babus-escape-serving-jail-term/article1-1131852.aspx>

07 October 2013

26. Committee to scrutinise RTI amendment bill

Panaji, October 7, 2013 Special Correspondent

Rajya Sabha MP Shantaram Naik, the Chairman of the Standing Committee of Parliament on Departments of Personnel, Public Grievances, Law and Justice, has reiterated that his committee will thoroughly scrutinise and examine the Right to Information (RTI) (Amendment) Bill 2013.

Apart from the RTI (Amendment) Bill 2013, the Committee is also examining Prevention of Corruption (Amendment) Bill 2013 and Judicial Appointments Commission Bill 2013.

The proposed RTI amendment seeks to nullify the recent judgement of Central Information Commission (CIC) by which the Commission had sought to bring political parties within the ambit of “public authority”.

Meetings

Talking to *The Hindu* in the context of the committee meeting held at Chennai on Friday and Saturday, Mr. Naik said the Committee will also hold meetings in Mumbai and Jaipur from Sunday to Tuesday.

He said that at Chennai meetings, the committee heard the views of Tamil Nadu Government, Chennai Port Trust, Indian Bank, Neyveli Lignite Corporation Ltd., NGOs and others on the three bills and also on vigilance mechanism existing in these institutions.

Scope check

With reference to the RTI, the Committee is examining the scope of the definition of public authority in the Act as passed by Parliament and whether the Commission has expanded the definition, which has resulted in Parliament introducing the bill as a corrective measure.

He said the Committee was also examining whether the applicants can seek exhaustive information about political parties under the amendment, the scope of such information and the consequences of such disclosure on the functioning of National and State parties in India. It would also examine whether proceedings of various confidential meetings of political parties held for the short listing and/or finalising candidates will be required to be disclosed if the judgment of CIC is made final and the bill does not become a law, said Mr. Naik.

In Jaipur, apart from the three bills, the Committee will hear the views on Rajasthan Legislative Council bill, 2013. The Committee is examining the scope of the Judicial Appointments Commission Bill, 2013 in the background of the existing system, which neither gives an

exclusive jurisdiction to the executive to make judicial appointments nor does it propose to continue the present system where the judiciary alone has a say in the matter of judicial appointments. He said in countries like the U.K., U.S.A, Canada, Australia, South Africa, Singapore, France, Germany, Sri Lanka, Japan and Russia, the governments play the primary role in the matter of judicial appointments. The committee was examining this aspect too, he said.

Mr. Naik said the bill on the Prevention of Corruption (Amendment) Bill 2013 attempts to improve the existing law by providing to punish the bribe-giver, mandating government sanction for government servants even after retirement or after they cease to hold office. He added that the bill also proposed to punish persons in charge of commercial organisations trying to bribe public servants. It also provided for confiscation of bribe and proceeds of bribery and attachment of properties accumulated by corrupt means.

The Committee is examining the scope of the definition of public authority in the Act and whether the Commission has expanded the definition

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/committee-to-scrutinise-rti-amendment-bill/article5208796.ece>

27. RTI Act failed to serve its purpose: Activists

Bhanu P Lohumi Tribune News Service Karnal, October 7

The Right to Information (RTI) Act that came into force on October 12, 2005, has failed to bring transparency and the bureaucrats who on the pretext of the Official Secrets Act concealed the information of public interest for decades, have been appointed Information Commissioners, defeating the spirit of the Act.

When we spoke to a number of RTI activists, they lamented that the Act had failed to help the common man and RTI applications were being treated as complaints by the government departments. They said not many people were aware of the fact that there was an application form for the RTI in Haryana. Nothing has been done by the government to make the people aware about the RTI except organising some seminars, they say.

"The state public information officers (SPIOs) are non-cooperative, the First Appellate Authority (FAA) is corroborative, Information Commissioners are being selected by the government and

the Lokayukta is virtually toothless. Under such circumstances, how can one assume that the RTI Act would serve its purpose," said PP Kapoor, a well-known RTI activist.

"The SPIOs try their best to conceal information and in more than 80 per cent cases, the First Appellate Authority (FAA) upholds the order of the SPIOs, forcing RTI activists to appeal to the Chief Information Commissioner (CIC). The FAA even tries to belittle the Information Commission and in more than 50 per cent cases fails to appear before the Information Commissioner, delaying the proceedings. Moreover, there is no provision of penalty on the FAA," Kapoor added.

There is a need to introduce a chapter on the RTI Act in the school curriculum. A budget should be earmarked for creating awareness on the RTI besides bringing transparency in the appointment of Information Commissioners. Rajesh Sharma, another RTI activist, said 14,055 applications were filed under the Act in Haryana till July last year and the applicants had to file appeals in 2,134 cases as relevant information was not furnished. However, the penalty was imposed only in 358 cases for suppressing or delaying information, he added.

Source: The Tribune, <http://www.tribuneindia.com/2013/20131008/haryana.htm#14>

08 October 2013

28. Modi wanted cap on RTI info given to BPL applicants

Aloke Tikku , Hindustan Times New Delhi, October 08, 2013

Gujarat chief minister Narendra Modi wanted India's poorest who invoke the transparency law to pay up for the information "beyond a certain number of pages".

Modi – now the BJP's prime ministerial candidate – had made the suggestion in September 2005 to ensure the rich did not misuse the free-for-poor provision in the Right to Information Act (RTI).

The Centre introduced the provision to exempt persons belonging to Below Poverty Line families from paying any fee for getting information under the transparency law.

The CM's three-page letter of 11 September 2005 — the law came into force a month later — is part of the 793-page RTI files made public last week as part of pro-active disclosures by the Department of Personnel & Training on the Central Information Commission directive, issued on an appeal filed by Hindustan Times.

"It is mentioned in the Act that the purpose of acquiring information will not be asked from the applicant. There is, therefore, a definite possibility that anyone wanting to get voluminous information from the government will take the route of a BPL family to avoid payment of even the cost of stationary," the chief minister said.

Modi went on to give his prescription in his not-so-publicised letter.

"We need to plug this loop-hole by putting a limit of certain number of pages of information which can be given free to members of BPL families and charging them for additional pages required," he wrote.

He also hinted at the need for a bar on government employees seeking information relating to personnel issues, particularly those relating to confidential records and promotions.

"Unless a specific exemption is made for personnel information, the (RTI) Act is likely to be misused by various employees by taking a route of citizen seeking information," he added.

Modi's rule that could have barred Indians below the starvation line from invoking the information law never came into force.

Source: The Hindustan Times, <http://www.hindustantimes.com/India-news/NewDelhi/Modi-wanted-cap-on-RTI-info-given-to-BPL-applicants/Article1-1132272.aspx>

29. Madhya Pradesh accountant general raps state govt for I-T refund irregularities

TNN Oct 8, 2013, 03.33AM IST

BHOPAL: The Madhya Pradesh Accountant General (AG) has asked the general administration department (GAD) to recover Rs 3.24 lakh from two ministers - Ramkrishna Kusmariya and Ajay Vishnoi and deposit in the government account in compliance of set norms. The AG detected major irregularities including non-recovery of income tax refunds from ministers and non-submission of utilisation certificates worth over Rs 76 crore by beneficiaries of chief minister's discretionary fund.

As per rules, the state government pays income tax on the salary and allowances of ministers.

The income tax on earnings from other sources has to be paid by the ministers themselves.

And, the amount refunded on basis of revised Income Tax returns of ministers has to be deposited in the government exchequer.

AG, which acts as distant arm of the Comptroller and Auditor General (CAG), has sought an explanation from the government for paying tax on income from other sources of the ministers.

The report has also asked the government to clarify about the differences in payment of income tax of ministers despite pay parity. The state government has been asked to appraise the AG office once the excess amount paid to Income tax department is recovered.

"It also sought information about the refund of excess amount paid as income tax on behalf of ministers by the government, said the report accessed by activist Ajay Dubey exercising his Right to Information (RTI).

Serious objections were made by the AG on non-submission of utilisation certificates worth over Rs 76 crore by beneficiaries of Chief Minister's discretionary fund, which includes Rs 36 cr in 2001-12 and Rs 40.08 cr in 2012-13. AG also reported that the collectors failed to produce vouchers to the tune of Rs 2 cr. "There should be a CBI enquiry against the responsible officers," says Dubey.

The AG has also objected to an alleged illegal withdrawal of Rs 60 cr from the state finance corporation besides non-deposit of unused fund by the Madhya Pradesh Human Rights commission (MPHRC) and a payment of Rs 1.5 cr for computers that were never purchased.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Madhya-Pradesh-accountant-general-raps-state-govt-for-I-T-refund-irregularities/articleshow/23671260.cms>

30. Rahul Gandhi's ordinance comment: Mummy had shown the way

Aman Sharma, ET Bureau Oct 8, 2013, 04.00AM IST

NEW DELHI: When Congress president Sonia Gandhi told her son Rahul Gandhi that he had used very strong words to criticise the government on the ordinance to save convicted legislators, she was only preaching what she had practised. In 2005, she had disapproved the way the Manmohan Singh government had framed the UPA's landmark Right to Information (RTI) legislation, but her letter to the PM never raised any hackles.

The Department of Personnel and Training has publicised the correspondence on the framing of the RTI Act in 2005, which includes a letter written by Sonia Gandhi to the Prime Minister on January 14, 2005.

Gandhi's letter to the PM said that the RTI Bill "overlooked certain crucial recommendations" of the National Advisory Council she headed and that the law would be "less effective than intended to be" as state and district public authorities of relevance to the common citizens were left out of the ambit.

Reminding the PM of the UPA's Common Minimum Programme, which "pledged to provide a government that is corruption-free, transparent and accountable at all times", Gandhi's letter said NAC's recommendations were to make the law "more progressive, participatory and meaningful". She instructed the PM to ask a Group of Ministers to look into the whole matter on a "priority basis".

Within four months of Sonia's letter, the government duly moved amendments to the existing bill incorporating all her recommendations, the major one being bringing the state and district authorities under the RTI ambit. Her letter was critical but civil.

The Congress scion, who ended up embarrassing the PM who was in the US at that time, last week conceded that as an afterthought, he should not have used such words and it was a "mistake", as pointed out by his mother to him.

Source: The Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/rahul-gandhis-ordinance-comment-had-mummy-shown-the-way/articleshow/23670987.cms>

31. TNEB says details of parties stealing power are a secret

Christin Mathew Philip, TNN Oct 8, 2013, 04.22AM IST

CHENNAI: We all know that political parties, while organising roadside meetings, illegally draw power from the public lines. But, the Tamil Nadu Electricity Board (TNEB) says the details of such power thefts is a secret.

In reply to a second appeal on an RTI application filed by TOI seeking details of political parties found to be at fault, the board said the information cannot be divulged. For long TNEB tried to stonewall the query, but after the second appeal, the public information officer denied the information citing Section 8 (f, g) of the RTI Act. For the record, the section says that information can be denied if the disclosure will endanger the safety of any person or it affects the investigation.

In Chennai, generators are rarely used for public meetings organised by political parties. The reason: Party workers hook on to the nearest transformer and draw electricity for the sound and light systems. This causes huge loss for the TNEB, but the board officials don't appear to be keen on cracking down on such elements even during times of power crises. Experts say the denial of information under RTI was to protect political parties involved in power theft. An average public meeting of a political party, which uses several illuminated cut-outs and halogen lamps, consumes about 100 kilowatts of electricity. Off the record, TNEB officials say political parties, slum dwellers and some industries are responsible for a majority of power thefts in the state.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/chennai/TNEB-says-details-of-parties-stealing-power-are-a-secret/articleshow/23673162.cms>

32. 'I&B should keep check on reckless spending by ESG'

TNN Oct 8, 2013, 04.56AM IST

PANAJI: Alleging that public money worth crores of rupees is being spent on cultural events to benefit certain lobbies, the Congress has sought the intervention of the ministry of information and broadcasting (I&B). The party has sought the Centre's assistance over keeping a check on the expenditure of the forthcoming 44th International Film Festival of India (Iffi) 2013.

Addressing mediapersons on Monday, spokesman Aleixo Reginaldo Lourenco said that an attempt is being made to target vice-chairman of the Entertainment Society of Goa (ESG) Vishnu

Wagh, when its chairman who is also the chief minister, [Manohar Parrikar](#) should be held responsible for the alleged financial bungling.

Information furnished under the Right To Information (RTI) Act has allegedly revealed that almost 2 crore was spent on cultural performances by non-Goan artistes, while a negligible 15 lakh was spent on Goan artistes.

Lourenco said, "Goan artistes were discriminated against during Iffi last year. While they were paid a meagre amount, non-Goans were paid abundantly. The RTI reply has also revealed that a few contractors were paid exorbitant sums, much higher than the amount non-Goan contractors charged. The reply has also shown how some contractors were paid huge amounts without verifying if the work was actually carried out. I want Parrikar to come clean about the actual expenses incurred."

Lourenco said that a lot of complaints had been filed by ESG officials. "The scam amounts to around 10 crore and the complaints are pending, one of which is filed by a member of the ESG," he alleged, adding that some items had not been advertised.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/goa/IB-should-keep-check-on-reckless-spending-by-ESG/articleshow/23675429.cms>

33. Political parties were never in RTI ambit, Shantaram Naik says

TNN Oct 8, 2013, 05.38AM IST

MUMBAI: The RTI Act, as conceived originally, had never intended to cover political parties, said Rajya Sabha MP Shantaram Naik. He was speaking at a two-day meeting of a 13-member parliamentary committee in the city with various stakeholders. Most citizens have reacted against the RTI (Amendment) Bill that seeks to keep political parties out of the ambit of the sunshine law, said Naik, the parliamentary committee chairperson. He said the committee would consider all issues and present its report before the next Parliamentary session in December. State advocate general Darius Khambata was also present at the meeting.

The chairperson of the Parliamentary Standing committee said that the RTI Act as conceived originally had never intended to cover political parties. Shantaram Naik, the chairperson and Rajya Sabha MP, said this even as he mentioned on Monday that there has been a huge response to The R.T.I (Amendment) Bill from citizens, in India and from foreign shores. Most of the response has been against the Bill that seeks to keep political parties out of the RTI ambit.

The 13-member committee was in Mumbai for a two day meeting with various stakeholders including large corporations and senior lawyers including state advocate general Darius Khambata on the proposed amendment to three important laws--the RTI Act, Prevention of Corruption Act and the Judicial Appointments Commission Bill. Naik said, "the RTI Act, as originally conceived was never intended to bring political parties under its purview. It was crystal clear." The Bill is proposed to nullify a recent judgment of the Chief Information Commission, by which the Commission sought to bring political parties under the ambit of "public authority". "I receive hundreds of calls and emails myself, even from abroad, most are against the bill." he said the committee would consider all issues and present its report before the next Parliamentary session in December. The maximum response from citizens, has been for the RTI amendment bill, he said. The next destination of the committee is Rajasthan.

Naik, who briefed the media in Mumbai, said that he cannot be expected to disclose details about the proceedings of the meetings, but said the amendment to RTI Act would have the effect of making public the decision making process of political parties from mofussil level to the national level. He said the committee was receiving suggestions and has to assess whether "political parties can have privacy to decide candidates for nominations".

The other two bills have received fewer response from the public. While the PCA amendment bill seeks to make private corporations answerable to graft charges and to bring bribe givers under the scanner too, Naik said he couldn't comment either way on the suggestions. The person in charge of the corporation would be held responsible was all he said, as per the Bill.

The judicial commission, he said was being considered because since 1993 after the Supreme Court verdict which brought in the collegium, appointments of judges for the higher judiciary were otherwise by the President on the advise of the government "as stipulated by the Constitution". "the parliament is not saying give us the power, but that it cannot just be vested with the judges' collegium" and a via media is required."

Naik said that the Committee is examining the scope of the definition of public authority in the Act as passed by Parliament and whether the Commission has expanded the definition, which has resulted in Parliament introducing , the bill as a corrective measure.

He said that the committee is also examining whether the exhaustive information which is required to be given under RTI if provided to be given to the applicants ,what will be scope of

such information and consequences of such disclosure on functioning of National and State parties in India.

Committee is examining whether proceedings of the meetings of various confidential nature held by political parties, which are held for the short listing and/ or finalising candidates will be required to be disclosed if the judgment of CIC is made final and the bill does not become a law, Naik said.

On the judicial appointments, Naik along with five other members said, in countries abroad including France, USA, Japan, South Africa it is the governments which play a primary role in matters of judicial appointments.

Source: The Times Of India, <http://timesofindia.indiatimes.com/city/mumbai/Political-parties-were-never-in-RTI-ambit-Shantaram-Naik-says/articleshow/23678395.cms>

34. Govt declines info on sexual harassment cases against babus

PTI New Delhi, October 08, 2013

The government has declined to share information on complaints of sexual harassment against IAS officers, saying it was exempted from disclosure.

The Ministry of Personnel has cited a Supreme Court judgement, instead of any clause of the Right to Information (RTI) Act, to deny information in response to a query filed under the transparency law.

It may be noted in terms of Supreme Court decision in the matter of Girish R Deshpande versus Central Information Commission and others, the information being sought "is exempt from disclosure", said the reply from the ministry, mandated to ensure implementation of the RTI Act.

The Ministry was asked to provide details on complaints of sexual harassment received against officers of all India services-- comprising Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFoS)-- in the last ten years.

However, the Supreme Court order mentioned in the reply does not deal with the cases of sexual harassment.

The apex court, while hearing a petition filed by Deshpande, had on October 3, last year held that information including copies of memos, show cause notices and orders of censure or punishment etc. issued to a government employee qualifies to be personal information.

Besides, the details disclosed by a person in his income tax returns are also "personal information" which stand exempted from disclosure, the court has said in its order.

The CIC on various occasions has held that information on sexual harassment cases can be provided under the transparency law as it comes under human rights violation category.

As many as 4,737 IAS officers, 3,637 IPS officers and 2,700 IFoS personnel are working across the country.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/India-news/NewDelhi/Govt-declines-info-on-sexual-harassment-cases-against-babus/Article1-1132499.aspx>

35. Nailing the 'BPL' politicians

Kiran Bedi, Hindustan Times October 08, 2013

Natural justice is catching up with corrupt politicians. They are actually the real 'BPL' people. They bleed, plead and lead. The corrupt and criminal politicians bleed the exchequer of money, plead for votes and lead the people.

Such politicians are now being fixed because of the Right to Information, public interest litigations, television exposure, print media, rising middle class, social media, and most of all, an independent judiciary.

Data from Association of Democratic Reforms, an NGO headed by academics, reveals the extent to which these politicians, who plead for votes and profess to lead, actually bleed the country of the resources which belong to the common man.

Increasing assets

In Uttar Pradesh, the assets of 10 MLAs in the last assembly elections multiplied by up to 42 times. In Tamil Nadu, 97 re-contesting MLAs tripled their assets in the past five years, an increase of 195%. Assam was a little behind with an average increase of 187% and Kerala with 175%; Puducherry had an average of 136% and West Bengal 71%. In short, the number of crorepatris in the assemblies of the states mentioned above rose from 97 to 268.

The average increase in MPs' assets from 2004-09 was 289% or Rs. 2.9 crore per MP in five years. Not only this, 58% of Rajya Sabha members are crorepatris with flourishing professional practices, well-paid directorships, shareholdings in media houses, infrastructure and hospitality, besides paid consultancy and other invisible sources.

While as per the Hunger and Malnutrition survey, HUNGaMA, coordinated by Nandi Foundation, there are 70% stunted children in Rae Bareli, 69% in Korput in Orissa and 64% in Dumka in Jharkhand.

It's evident that India has rich MPs/MLAs but poor voters.

Party incomes

This is about personal incomes. What about the way the political parties hide their party incomes? There were instances of politicians becoming virtual human ATMs. Recall the famous picture of Mayawati in The Times of India of March 27, 2010, titled 'Crass versus Class' when she was gifted with a thickly layered, python-looking, currency-stacked garland?

According to the rules, all donations below Rs. 20,000 need not be traceable to the source. This is why political parties' financial accounts data show 70% of all donations received from anonymous sources.

According to Stockholm-based Institute of Democracy, India is among 10% of the countries which allow anonymous donations to political parties. Over 40 countries, such as France, Germany, Japan and Italy, encourage complete transparency and accountability in all their receipts and expenditures.

New hope

That is why the order of June 3 by the Chief Information Commission (CIC) that political parties come within the ambit of the Right to Information as they are public bodies in all respects has given a new hope in checking the menace of parallel economy in politics. The shroud of secrecy has been lifted. Despite attempts to dilute it, the order has prevailed.

Vote-bank politics

Let's examine the way politicians for the sake of vote banks drained the state exchequers even when there was no money in the coffers. Remember AIADK's request to the Planning Commission to fund the free laptop scheme in the run-up to the elections? It envisaged distribution of laptops worth Rs. 15,000 each to 68 lakh students at a whopping cost of Rs. 10,200 crore over the next five years. The Planning Commission did not oblige.

Another instance was that of the DMK when they distributed free colour TVs which cost the state exchequer Rs. 4,000 crore. Some beneficiaries reportedly came in cars to take the TVs, whereas the policy note tabled in the assembly stated, "This is a unique scheme to sensitise people on the policies and programmes of the government and to increase their aspiration level." Those who came in cars reportedly said they would place the new TV in their second room, while others who were the real BPL (below poverty line) chose to sell it for they had no regular power supply in their homes to run television.

But why would these elected representatives want to know this when they get 50,000 units of free electricity, 1,70,000 free phone calls, 40 free trips annually by air, in business class, with spouses. Our politicians live in a world of give and take of freebies. But in the process they bleed the nation of its natural wealth, of water, forest, earth and the sky.

The CIC order of June 3 ruled that six major political parties come under the RTI; on July 5, the Supreme Court asked the Election Commission to regulate freebies; on July 10, it said the convicted MPs/MLAs stand disqualified if convicted for more than two years; and on September 27, the court empowered voters to reject a candidate.

With all these, Indian democracy is all set to change.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/punjab/chandigarh/nailing-the-bpl-politicians/article1-1132357.aspx>

36. Indians abroad can file RTI applications using e-postal orders

PTI : New Delhi, Tue Oct 08 2013, 21:22 hrs

Indians living abroad can now exercise their Right to Information (RTI) through an electronic service started by the government.

A service to facilitate eIPO (Electronic Indian Postal), for payment of fee to get the information under the transparency law, has been extended to all Indian Missions, according to an order issued by Ministry of Personnel.

The decision came after it was felt by the government that Indian citizens living abroad were facing difficulties in payment of fees for accessing information from Indian Missions or Posts abroad as the facility of e-IPO was not available with them.

"In order to facilitate for obtaining the information under the RTI Act, 2005 by the Indian citizen living abroad from Indian Missions or Posts under Ministry of External Affairs, the facility of e-IPO is extended to 176 Indian Missions or Posts," the order said.

The eIPOs can be purchased after payment through debit or credit cards.

An user needs to get one-time registration at websites--www.epostoffice.gov.in or www.indiapost.gov.in-- and complete necessary formalities. After that eIPOs can be generated.

If the RTI application is being filed electronically, e-IPO, is required to be attached as an attachment," it said.

The facility is only for purchasing an Indian Postal Order electronically.

All the requirements for filing an RTI application as well as other provisions regarding eligibility, time limit, exemptions etc, as provided in the RTI Act, 2005 will continue to apply, the Ministry has said.

The facility of eIPO was first launched on March 22.

"It is a landmark step towards transparency regime," said Commodore (Retd) Lokesh K Batra, who strived hard to get the facility started for Indians living abroad.

Source: **The Indian Express**, <http://www.indianexpress.com/news/indians-abroad-can-file-rti-applications-using-epostal-orders/1179991/>

09 October 2013

37. HC stays state information commission order to varsity over RTI

Swati Deshpande, TNN | Oct 9, 2013, 01.46 AM IST

MUMBAI: The Bombay HC on Tuesday stayed an order of the state information commission (SIC) which had in February fined the Mumbai University registrar Rs 1 lakh and two of its public information officers (PIO) Rs 25,000 each for delay in supplying information of over 40,000 pages to an applicant.

The SIC order was passed over the issue of an RTI application filed by Hemant Vissanji, a trustee of Laxmi Charitable Trust that runs Chinai College of Commerce in Andheri. The university registrar and the two PIOs challenged the SIC's order as "illegal and arbitrary". "The fine is unjust as there was no deliberate delay in supplying information that was voluminous and spread over 18 years," Rui Rodrigues counsel for the University on Tuesday said in court.

He added that more than 40,000 pages were handed over to the RTI applicant last September-October after keeping him posted about the progress of readying it. However, advocate Prashant Chavan counsel for Vissanji said since the information was supplied after the stipulated 30 days the photo-copy charges ought to be refunded. Vissanji had, in March last year, requested information about all colleges affiliated to Mumbai University where there had been a transfer of management since 1995. The university said it needed time and took Rs 80,000 from Vissanji as fees to supply the information.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/mumbai/HC-stays-state-information-commission-order-to-varsity-over-RTI/articleshow/23749999.cms>

10 October 2013

38 Cloth issued by BSNL for uniforms come handy for pillow covers

Anshu Seth , Hindustan Times **Ludhiana, October 10, 2013**

In what can be termed as an exceptional means of (mis)utilising the allowances for uniforms, a large number of BSNL employees have used the 'khaki' cloth meant for their uniforms to design pillow covers at their homes.

An amount to the tune of more than RS 15 lakh was spent on buying cloth, stitching and washing allowance for the uniforms in 2008 and 2011 which was allegedly misappropriated in absence of check of the BSNL authorities. As a result, only 10% of the Class 3 and 4 employees working in Ludhiana secondary service areas (SSA) are wearing uniforms.

Requesting anonymity, a senior official in BSNL said that the cloth purchased for the uniforms was handed over to the employees but a large number instead of getting the uniforms stitched used it for making pillow covers.

Rohit Sabharwal, the president of Council of RTI Activists had sought information under the RTI from BSNL pertaining to washing allowance being given to the class 3 and 4 employees. BSNL in its reply stated that from 1/4/2008 to 30/9/2012 an amount of Rs. 10 lakh was paid as washing allowance.

Thereafter, Sabharwal gave a complaint to the director general of audit (postal and telecommunications, Delhi) on February 2, 2013 regarding misappropriation of funds for uniforms by the class 3 and 4 employees of Ludhiana.

An inquiry was marked by the audit department and it was found that in 2011, uniforms worth to Rs. 5.42 lakh were given to Ludhiana SSA of BSNL. The uniform allowances are given to the employees every three years.

The complainant further alleged that despite getting stitching and washing allowances, the staff was not wearing the uniforms.

On the other hand, the office of general manager BSNL in a reply sent to the audit department stated that wearing of uniforms is not a condition of service and daily uniform attendance or any monitoring of uniform or monthly statement of uniform does not exist in the rules.

However, the question that where did the department utilise the allowances taken under stitching and washing of uniforms remains unanswered.

Interestingly, the audit department while giving a counter-reply to the letter from the office of GM, BSNL, referred to the para 11 of the instructions contained in handbook on uniforms that reads “eligible government employees who are provided with uniforms are required to turn out in proper and clean uniforms and failure to do so should be treated as a breach of discipline for which disciplinary action can be taken against the concerned staff.”

Further questioning the role of BSNL officials, the audit department referred to their previous replies wherein office of the GM, BSNL, Ludhiana, had agreed to have given 671 and 620 uniforms to class 3 and 4 employees in 2008 and 2011 respectively.

BSNL GM, Ludhiana, CS Bhanot said that class 3 and 4 employees were wearing uniforms, adding, “ The concerned SDOs are regularly monitoring the same. But it is not possible to wear the uniform throughout the week as its needs washing. Thus, the employees must be missing out on uniforms on the days of washing them.”

Source: **The Hindustan Times**, <http://www.hindustantimes.com/Punjab/Ludhiana/Cloth-issued-by-BSNL-for-uniforms-come-handly-for-pillow-covers/SP-Article1-1133567.aspx>

39. High court admits PIL on radiation threat from mobile towers

Prabin Kalita, TNN Oct 10, 2013, 01.46AM IST

GUWAHATI: The Gauhati high court on Wednesday admitted a public interest litigation (PIL) seeking protection for people of the city from radiation caused by cellphone towers in the city. Such radiation is considered to pose a health hazard for living beings.

The petitioner's counsel, Bhaskar Dev Konwar, said, "The court of chief justice A K Goel and A K Goswami admitted the PIL today. The court has asked the Guwahati Municipal Corporation (GMC), which is the licensing authority for mobile towers, to reply to the PIL by December 18." The counsel said that the PIL is based on TOI reports on mobile towers radiation and its ill-effects on living beings.

The petitioner, Paragmoni Kakati, has sought the court's directive to the Centre and the [Telecom Regulatory Authority of India](#) to issue strict guidelines to the GMC on issuing of permits to mobile service providers for setting up their mobile towers in the city. The towers should be set up in such a way that radiation from them does not cause health hazards to the people, he said.

The petitioner said that the GMC, which is responsible for issuing licenses to service providers to set up towers, has replied to an RTI query by his counsel that it does not have any guidelines for

granting permission or license and it also does not have any record of the number of licenses given to cellular service providers for setting up towers.

Kakati submitted in his petition that research studies have confirmed that prolonged exposure to cellphone tower radiation can lead to [cancer](#) affecting various parts of the body, and such radiation also weakens the immune system in the human body.

Citing an advisory of the ministry of environment and forests, the petitioner further stated that radiation from mobile towers also affects the health of birds and bees.

Kakati added that there is an urgent need to curb the practice of GMC permitting mobile service providers to set up towers in thickly populated residential areas and near hospitals and schools in the city.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/guwahati/High-court-admits-PIL-on-radiation-threat-from-mobile-towers/articleshow/23839251.cms>

40. Where's 48? The curious case of missing girls

Saradha Mohankumar, TNN Oct 10, 2013, 02.50AM IST

CHENNAI: Female infanticide may have disappeared from many villages, but female feticide is happening in the urban backyard. The [proof](#) is in the declining sex ratio in cities. Chennai, which had 972 females for every 1,000 males a decade ago, today has just 950 females for 1,000 males. And that is two less than [the national](#) average. That the nation has accepted a sex ratio of 952 as "normal" has now made a Chennai-based NGO raise an uncomfortable question: Where is 48? And that will be the title of a campaign by the Indian Community Welfare Organisation (ICWO) which seeks to educate at least 10,000 people on the dangers of the declining sex ration as part of the International Girl Child Day on Friday.

Child sex ratio is the number of females per thousand males in the age group of 0-6 years. The 2011 census showed that the ratio in India dropped to 914 from 927 in 2001 - the lowest since Independence. Census Commissioner of India C Chandramauli called it "a matter of grave concern". In Chennai, the ratio went down by 22 points between the censuses of 2001 and 2011, making it worse than Kanyakumari, Thoothukudi and Sivagangai. Mumbai matches the national average of 914, while Delhi has an abysmal sex ratio of 894.

"We conveniently blame it on the poor living in the villages, but foeticide in cities is more responsible for the decline," said ICWO founder AJ Hariharan. [Tamil Nadu](#) villages have been infamous of female infanticides till the late 1990s. The Indian Council for Child Welfare had estimated that 230 girl children were killed in Usilampatti region in 1989. But while this practice has been virtually wiped out, thanks to interventions by the government and NGOs, the proliferation of scan centres in cities and towns have prompted people to move to sex determination and sex-selective abortions.

"Access, information, use of technology and money are the major factors contribution to female feticide," said Dr Sabu [George](#), who has been working for its prevention. "Studies have shown that well-educated people kill female foetuses. Some doctors, not only killed others', but also theirs," he said.

Hariharan cited the case of a doctor couple who aborted two female foetuses and had the third child, a male "Being doctors, it is easy for them to find the sex of the child. Scanning centres use code words to convey the gender of the foetus. For instance, 'come on Monday' is the code for boy and 'come on Friday' is for girl," he said.

Statistics received by ICWO through RTI reveals that more than 53% of primary health centres in the state recorded the sex ratio at birth as below 952 from 2001- 2010. "Our mission is to achieve 1000:1000 by 2020," said Hariharan. The campaign - "Where is 48? Denial of Equal Rights" - will be launched all over the country on Thursday afternoon.

In Chennai, 25 volunteers - all homeless [women](#) - will carry out the campaign. "Our volunteers meet many people from various walks of life every day," said S Esther Shanthi, coordinator of the urban poor initiative in Chennai. "The plan is for every volunteer to reach at least 400 people, especially women aged between 20 and 40."

Source: The Times of India, <http://timesofindia.indiatimes.com/city/chennai/Wheres-48-The-curious-case-of-missing-girls/articleshow/23841361.cms>

11 October 2013

41. Eight years on, RTI Act remains a story of attempts to bury it

Nahita Mukherji, TNN Oct 11, 2013, 12.29AM IST

MUMBAI: The recent move on the part of political parties to exempt themselves from the provisions of the Right to Information (RTI) Act resulted in much public uproar and citizen activism. Though far less obvious, there were equally damaging attempts by Maharashtra's state machinery to bury the 2005 law in the past eight years.

Take for instance the manner in which public authorities, on being ordered by central and state information commissions to declare information by a particular date, first flouted the order and then rushed to courts to obtain a stay on the order.

RTI activist and former central information commissioner Shailesh Gandhi wrote in a TOI editorial last year: "Long after the deadline for complying with our order has passed, should a person or organization that has flouted our order get a stay from any court? Shouldn't there be some penalty for violating orders we pass? If not, what value are our orders?"

Venkatesh Nayak, programme coordinator, Commonwealth Human Rights Initiative, says: "With the greatest respect for the wisdom of the courts it must be said that several judgments are made without taking into consideration the entire gamut of the law on what should or should not be disclosed."

Public-private partnerships (PPPs), which have taken over an increasing number of government functions like running schools and mid-day meal schemes, have proven to be as wily as political parties at evading disclosure of information. A draft PPP policy remains in limbo.

While many information chiefs have treated PPPs as public bodies, PPPs routinely offer the excuse that there is no specific mention of them in the RTI Act. Two years ago, attempts by the Central Information Commission to clear the ambiguity were met with a non-committal reply by the deputy chairman of the planning commission.

Vacancies in state information commissions have resulted in thousands of pending appeals. Over a year ago, the state had no chief information commissioner, besides other vacancies, resulting in 22,000 pending cases, leading Gandhi to comment on how RTI in Maharashtra was being pushed into a coma. Other proposed legislation, such as the Nuclear Safety Regulatory Authority Bill, has sought to dilute RTI on grounds of national security. The bill sought to amend the RTI Act

so as to exempt sensitive information on nuclear radiation safety issues and commercially sensitive information on technology holders from the RTI Act.

RTI activists believe that the act already provides adequate protections to prevent disclosure of information which should not be publicly known.

Nayak believes the biggest impediment in implementing RTI is the mindset of secrecy which begins at the very top among ministers and percolates down to the bureaucracy.

"Public information officers are known to send files to ministers asking if these can be disclosed and then follow the instructions of the minister and not the clauses of the RTI Act on whether or not to disclose a file," says Nayak.

Film on sunshine law

To mark the eighth anniversary of the RTI Act, an animation film by Dhvani Desai will be screened on Saturday evening at the Indian Merchants' Chamber. Organized by former police commissioner Julio Ribeiro's Public Concern for Governance Trust, the screening aims at helping the common man understand the intricacies of the act.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Eight-years-on-RTI-Act-remains-a-story-of-attempts-to-bury-it/articleshow/23926904.cms>

42. MCC official fined for RTI breach

Mangalore, October 11, 2013 Special Correspondent

The Karnataka Information Commission has imposed a fine of Rs. 5,000 on Balakrishna Gowda, Town Planning Officer and Principal Information Officer, Mangalore City Corporation for delaying information sought under the Right to Information Act.

The commission in its September 17 order (KIC 1746 PTN 2013) asked the official to pay a compensation of Rs. 1,000 to the applicant Angella Minezes of Kulashekar in the city.

The applicant on May 10 last year had sought copies of documents pertaining to construction of a building next to her house in Padavu village. The documents included copies of licence, plan of the building, approval for the plan, copy of single site approval and the like.

But instead of providing the information within 30 days as mandated under the Right to Information Act, the official made her wait for three more months.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/mcc-official-fined-for-rti-breach/article5224121.ece>

43. 'Govt accounts officers made to do odd jobs'

New Delhi, October 11, 2013 Gaurav Vivek Bhatnagar

Around 250 of the Delhi Government's own trained Assistant Account Officers (AAOs) have been doing odd jobs, while the government has been spending lakhs of rupees on engaging the services of chartered accountants for income tax calculations.

The government has been employing principals and vice-principals in its schools for supervising account details, and it has lost crores due to traders understating their VAT returns. All these officers, employed by the government, have cleared their Subordinate Account Services Examination. This entitles them to the rank and designation of a gazetted officer but they are yet to be given the posts.

"About 80 of us are on deputation with the Central Government or the autonomous bodies such as the Delhi Transport Corporation and the New Delhi Municipal Council. We are still waiting to get the posts we deserve," an officer told *The Hindu* .

He said about 20 to 30 people from their ranks get absorbed in various posts every year. But the wait for the AAOs has grown longer as the number of those who passed the exams was much more than those given posts per year. The officers said the Delhi Government Finance Department is aware of their problems but hasn't done anything due to pressure from other cadres. They added that the working of the government is suffering in the process.

In the Trade and Taxes Department, where these officers should have been accommodated, those not qualified to handle the accounts have been put on the job. The officers said recent raids by the Anti-Corruption Branch in the Trade and Taxes Department revealed that there was a revenue loss of crores to the government due to under assessment of VAT.

The officers said that in the 950 Delhi Government schools, the principals and vice-principals are being made to handle the accounts as these schools get lakhs of rupees annually in the name of the School Vikas Fund and other funds. "It comes to a total of about Rs.70 crore of the annual budget, but nobody is there to account for this huge amount," said another AAO.

The group of officers has planned to make a formal representation. "We had engaged a lawyer to file some RTI applications but now we have decided to fight for our rights," said another AAO.

The officers claim they haven't been given the posts they deserve.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/govt-accounts-officers-made-to-do-odd-jobs/article5223818.ece>

44. Parties are slipping on liability: Election Commission

Ritika Chopra, ET Bureau Oct 11, 2013, 04.42AM IST

NEW DELHI: One of the key arguments made in favour of diluting the [Central Information Commission](#) (CIC) order as [political parties](#) united in resistance to the RTI Act was that they are accountable to a statutory authority: the Election Commission of India. This claim, as it turns out, holds no water as parties have often made a mockery of their accountability to the Commission by defaulting on their obligation to provide details of their expenditure on state elections.

The latest example, EC officials say, is the indifference of the principal opposition party at the Centre. The [Election Commission of India](#) (ECI) is clueless on how much the BJP spent in Gujarat even 10 months after it came to power.

The BJP has not filed its statement of expenditure despite three reminders from the Commission for the assembly elections in Gujarat and Himachal, which went to [polls](#) in December, and also Meghalaya, Tripura and Nagaland that went to polls early this year. As per the EC instructions, parties are required to file their statement within 75 days of an assembly election and 90 days of [Lok Sabha](#) elections.

The last date for submitting the statement for Gujarat and Himachal was March 9 and for Meghalaya, Tripura and Nagaland May 17. NCP and the CPI have also failed on this count.

According to data analysed by Association for Democratic Reforms, in 2008 NCP didn't bother to show its expenses for Chhattisgarh, MP, Rajasthan and Delhi polls. The CPI too didn't file statement on Orissa and Andhra elections in 2009.

Source: **The Economic Times**, <http://economictimes.indiatimes.com/news/politics-and-nation/parties-are-slipping-on-liability-election-commission/articleshow/23933572.cms>

45. Parliamentary panel visits Jaipur to seek opinion on RTI for political parties

TNN Oct 11, 2013, 04.08AM IST

JAIPUR: Members of the Parliamentary Standing Committee seeking public consultation on the proposed amendments to the Right to Information Act (RTI) visited the city on Thursday for a meeting with representatives of political parties and people from the civil society. The Jaipur visit comes after similar tours to Chennai and Mumbai by the committee.

The committee chaired by Shantaram Naik, an MP from Goa, discussed the proposed amendment that seeks excluding political parties from the ambit of RTI or the Right to Information (amendment) Bill 2013, the Prevention of Corruption Act (Amendment) Bill, the Judicial Appointment Commission Bill and the Rajasthan Vidhan Parishad Bill.

The Chief Information Commission (CIC) had in a order observed that six political parties mentioned in a petition were substantially funded indirectly by the government and thus they can be considered public authorities, making them come under the RTI Act. However, the government on August 13 introduced the Bill for amending the transparency law in favor of political parties, which seek to be out of the RTI ambit. But following a huge public outcry, the amendment was forwarded to the Parliamentary Standing Committee for public consultation.

Attending the meeting were members of the Mazdoor Kishan Shakti Sangathan (MKSS) Aruna Roy, Nikhil Dey, Bhawar Menghvasi, Mamtai Jaitley, Renuka Panchamia and PUCL's Radhakant Saxena and representatives from Congress, BJP, BSP, CPI and CPM.

While representatives of political parties ensured their presence for the discussion of the Rajasthan Vidhan Parishad Bill, they walked out during discussions on the Right to Information (Amendment) Bill 2013.

The committee sought opinion on whether political parties are answerable for internal functioning as well as financial matters under the RTI, whether disclosure of information on internal matters will be harmful for political parties and whether some NGOs registered under similar laws as political parties would also then fall under the ambit of the RTI Act among a host of other points.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/jaipur/Parliamentary-panel-visits-Jaipur-to-see-opinion-on-RTI-for-political-parties/articleshow/23931478.cms>

46. Parties are slipping on liability: Election Commission

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Source: **The Economic Times**, <http://economictimes.indiatimes.com/news/politics-and-nation/parties-are-slipping-on-liability-election-commission/articleshow/23933572.cms>

47. HC quashes Bangalore Metropolitan Task Force's FIRs against BBMP engineers

TNN Oct 11, 2013, 03.51AM IST

BANGALORE: Holding that the power of the Bangalore Metropolitan Task Force (BMTF) is restricted to protecting public property and detecting unauthorized construction/encroachment on such land, the Karnataka high court on Thursday quashed the chargesheets and FIRs filed by BMTF against BBMP engineers for not stopping illegal construction on private properties.

"As per the notification, the power of the BMTF is to protect public property and detect unauthorized construction on them and launch prosecution in such cases against officers in this regard who fabricate and cause loss to the public exchequer. It is clear that the BMTF has no jurisdiction to register and investigate offences regarding unauthorized and illegal construction on private properties," Justice K N Keshavanarayana observed.

He also observed that though under Section 321 b of KMC Act, failure to take action against an illegal construction in a private land is an offence, the BMTF has no jurisdiction as its mandate is clearly limited to public properties. The judge noted that the procedure adopted by the BMTF in these cases is contrary to the Criminal Procedure Code and the permission granted by the magistrate is bad in law.

The BMTF had booked cases against BBMP engineers for failure to take action as per the KMC Act against illegal and unauthorized constructions. Citizens and resident welfare association had filed complaints against BBMP engineers.

Plea against 255 ZP members

Justice Ravi Malimath on Thursday referred to a division bench a petition seeking a direction to the authorities to consider a complaint and take appropriate action against 255 members of nine zilla panchayats under Bangalore division for not declaring their assets and liabilities as required by law. He felt the petition is in the nature of a public interest litigation.

Petitioner V Sahshidhar stated that as per information obtained under the RTI Act, of the 285 zilla panchayat members in these local bodies under Bangalore division, only 30 have filed their assets and liabilities as mandated under Section 175 A of the Karnataka Panchayat Raj Act, 1993.

SPP moves HC

State public prosecutor S Dore Raju filed a petition in the high court seeking a direction to the state government to permit him to continue in his post and also to allow him and his family to stay in the quarters allotted to him.

He stated that his term ends in January 2015, he had a good reputation and there are no allegations against him which warranting his sacking. He claimed that asking him to resign would be tantamount to violation of of the Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/bangalore/HC-quashes-Bangalore-Metropolitan-Task-Forces-FIRs-against-BBMP-engineers/articleshow/23930562.cms>

12 October 2013

48. Upload police manual and dept probe norms online: Ratnakar Gaikwad

Prafulla Marpakwar, TNN Oct 12, 2013, 04.43AM IST

MUMBAI: In a landmark order, chief information commissioner Ratnakar Gaikwad on Friday observed that since the police manual is not a confidential document, the DGP should ensure that the manual and relevant rules are posted on the home department's websites within a month. "The police manual and its rules are not confidential... the same should be posted on the websites of the DGP and home department," Gaikwad stated in his two-page order.

Lawyer Pawankumar Tiwari had approached the traffic police's information officer to secure a copy of the police manual and departmental probe rules. When he was not given the specific documents, he initially filed an appeal before the deputy police commissioner, the appellate authority. Tiwari was shocked when his appeal was rejected on the grounds that the documents sought by him are available in the government printing press. The press administration informed the lawyer that the documents were not available.

Efforts were made to ensure that Tiwari does not get the police manual and the rules for conducting a departmental probe. Apparently, the information officer took [the view](#) that the police manual is confidential and it would be inappropriate to give Tiwari a copy.

When Tiwari filed a second appeal before Gaikwad, he made it clear that according to the info law, the police manual is not a confidential document and it was wrong on the part of the police information officer to deny him the document. "The Right to Information Act... clearly specifies ...which information or document is confidential. The police manual does not fall into any of the prohibited categories... it's not a confidential document," Gaikwad observed. "The police information officer should provide the information sought by the applicant within a stipulated period and it should be free of cost," he said.

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-12/mumbai/42968132_1_police-manual-confidential-document-traffic-police

49. 8 years on, RTI Act counts its milestones

Shyamlal Yadav : New Delhi, Sat Oct 12 2013, 02:42 hrs

Eight years may seem like a short stretch to appraise a landmark law such as the Right To Information Act, especially in a large and diverse country such as India.

But the transparency law enacted on October 12, 2005, has managed to leave its imprint in this short period, becoming a new weapon in the hands of people.

Not only has the RTI act been used to know more about government, it has also become a tool to make public institutions and officials accountable and fight corruption.

Otherwise, what can explain government ministers, bureaucrats and judges of the Supreme Court and high courts making details of their assets public? Or the amount the government has spent on foreign trips of ministers and officials? Or the UPSC and IITs opening up their selection processes for public scrutiny and ensuring fairplay.

Information accessed through the RTI Act has also played a key role in unearthing scams such as those in the organisation of the Commonwealth Games in Delhi, the 2G spectrum allotment and the allotment of houses in the Adarsh Society in Mumbai, among others.

The following are some of the key achievements of the RTI Act.:

ASSETS OF SC/HC JUDGES

When RTI activist Subhash Agrawal filed an RTI application in the Supreme Court asking if all judges had filed details of their assets and liabilities to the Chief Justice of India as mandated by a resolution of a meeting of judges in 1997, the Supreme Court contended that it was not a public authority under the RTI Act. However, the request seemed to have served its purpose as details of the assets of all judges of the Supreme Court were published on the website of the court and it is now updated annually. The high courts have followed in the footsteps of the SC and eight of them have so far published details of the assets and liabilities of their judges.

ASSETS OF MINISTERS

In 1964, the Union cabinet adopted a resolution that said every minister would declare details of his/her assets and liabilities and the assets of his/her spouse and dependents to the PMO after being sworn in as a minister. A copy of this resolution was also forwarded to state governments by the then home minister Yashwantrao Chavan asking them to follow suit. But the resolution had not been taken seriously.

But in 2008, when the PMO and the cabinet secretariat were asked for the status of the implementation of the resolution, they forwarded the RTI applications to each other saying it was the responsibility of the other.

RTI activists, however, did not give up and filed numerous applications until the government was forced to publish details. UPA-2 went on to become the first government where details of all union ministers were published promptly after the council was sworn in.

ASSETS OF BUREAUCRATS

When RTI activists began filing applications to various civil services cadre controlling authorities for details of the assets and liabilities of officials, they were returned saying the information sought was personal. They fought hard to protect the information but had to bow to pressure from civil society and publish the assets and liabilities of bureaucrats. It started with the IAS, IPS and Indian Forest Services and has since been expanded to cover most civil services.

INCOME TAX RETURNS OF POLITICAL PARTIES

In what is seen as a major decision under the RTI Act, the Central Information Commission in June 2008 ruled in favour of an appeal by the Association for Democratic Reforms that Income Tax Returns filed by political parties can be disclosed under the RTI Act. Parties did not challenge this ruling in court and information that has been obtained since has led to a serious study of the funding of political parties and brought them under pressure.

SCAMS & SCANDALS

While the RTI act has proved to be a potent weapon for ordinary citizens, it has been more lethal in the hands of those with some understanding of the system. The unearthing of scandals and scams such as those involving 2G spectrum allotment, coal blocks allotment, organisation of the Commonwealth Games and allotment of apartments in Adarsh Housing Society in Mumbai, was greatly helped by information accessed under the RTI act.

Source: The Indian Express, <http://www.indianexpress.com/news/8-years-on-rti-act-counts-its-milestones/1181554/0>

50. RTI Act: First appeals exceed rejections

Anahita Mukherji, TNN Oct 12, 2013, 04.41AM IST

MUMBAI: Data on the Right To Information Act for 2011-12 throws up a curious phenomenon. The information, analysed by the Commonwealth Human Rights Initiative (CHRI), shows that,

in some states, the number of first appeals (sought by those who are unhappy with the results of their RTI application) are higher than the number of RTI applications rejected.

In Bihar, for instance, while only 4.22% of RTI applications were rejected, the number of first appeals was nearly six times higher.

Venkatesh Nayak, author of the CHRI report, helps decode the phenomenon. "When a public information officer provides information, he makes a positive entry for that application, showing that the information has been provided. There is no record of the kind of information given. The high number of appeals may be (because) applicants are not satisfied with the response or quality of information received," says Nayak.

Those who are unhappy with the status of their application after a first appeal have the option of going in for a second appeal before the State Information Commission. In some states, instead of filing a second appeal, people file complaints with the Commission over unsatisfactory information.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/RTI-Act-First-appeals-exceed-rejections/articleshow/24004073.cms?>

51. 40 lakh used their right to information in 2011-12

Anahita Mukherji, TNN Oct 12, 2013, 04.26AM IST

MUMBAI: On the eighth anniversary of India's landmark transparency legislation today, data mined on the Right to Information (RTI) Act shows it is, indeed, India's sunshine law, with an estimated 40 lakh people using the Act during 2011-12, the latest year for which all-India data is available.

The Commonwealth Human Rights Initiative (CHRI), an independent organisation closely associated with the RTI legislation, data-mined annual reports filed by the Central Information Commission (CIC) and 10 State Information Commissions that had released their annual reports on their website -- [Andhra Pradesh](#), [Bihar](#), [Chhattisgarh](#), Karnataka, Maharashtra, Meghalaya, Mizoram, [Nagaland](#) and Rajasthan, as well as [Jammu and Kashmir](#), which is governed by its own RTI Act.

While 20.39 lakh applications were submitted to public authorities under the Central government and the 10 states studied, CHRI used this data to calculate the presumed number of applicants in the remaining 18 states, arriving at a conservative estimate of 40 lakh.

While there has been much cynicism over information denied by public authorities under RTI, the data tells a different story. Less than 10% of all RTI queries recorded have faced rejection.

The highest number of rejections was by public bodies under the Central government and those in Maharashtra, both of which received around 6.5 lakh queries each.





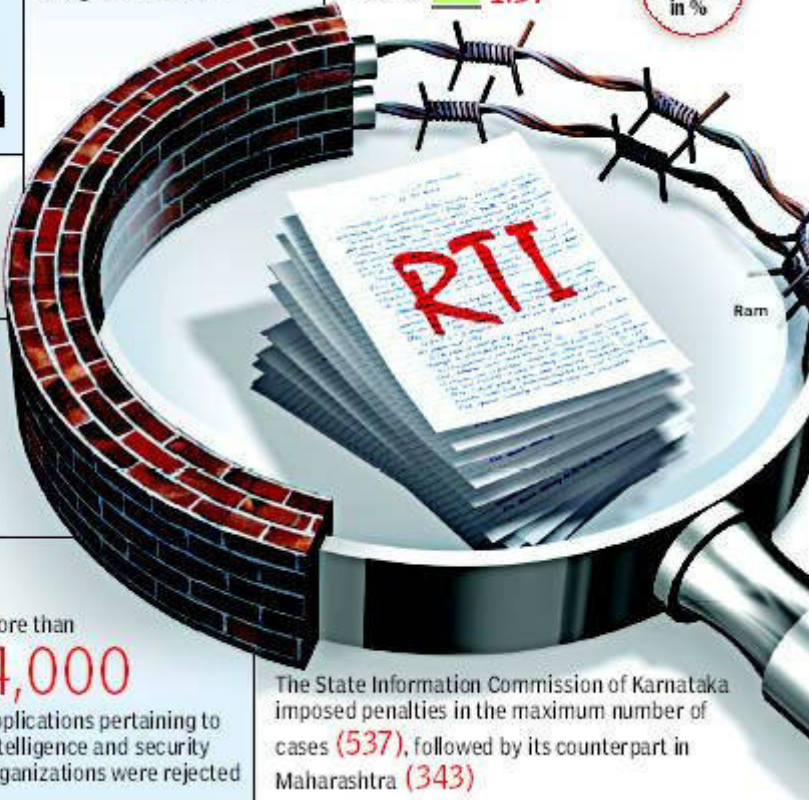
States with less population, such as Meghalaya and Mizoram, had a rejection rate of less than 1%. Other large states like Karnataka, with 2.93 lakh RTI requests, rejected only 0.3% of these. Despite a phenomenal increase in RTI applications in J&K, the rejection rate declined from 9% in 2009-10 to 4% in 2010-11. It now stands at 1.37% in 2011-12. The University of Kashmir received the highest number of RTI applications compared to any other public body in the state in the period 2009-12.

The dampener, though, is that high-profile authorities such as the Directorate of Revenue Intelligence and Directorate General of Safeguards rejected virtually all applications they received.

And while the absolute number of RTI applicants may seem very high, they form a mere 0.3% of the population and 0.5% of the electorate. But Venkatesh Nayak, programmes officer at CHRI and author of the report on RTI, feels 40 lakh applications in a country with limited internet penetration is an achievement. "No country besides the US would have such a large number of people using one transparency law. While research shows the US Freedom of Information Act is used largely by individuals to procure information that personally benefits them, in India, many people file RTIs that are in the public interest," adds Nayak. He feels the high number of applications despite the murder of nearly 25 RTI activists over eight years is a promising trend.

For CHRI director Maja Daruwala, RTI has helped bring about a shift in the mindset of public officials. "While officials earlier believed they could get away withholding information, there is now a fear of the risks involved in denying information under the RTI Act," says Daruwala, pointing to the increasing, though partial compliance among public authorities with the Act.

RTI NUMBERS ACROSS THE COUNTRY

<p>40 lakh RTI applications were filed across India in 2011-12</p>	<p>The rejection rate at the Directorate of Revenue Intelligence and Directorate General of Safeguards was</p>	<p>Penalties imposed on info officers by CIC and State Info Commissions of AP, Karnataka and Maharashtra were highest, crossing ₹ 35 lakh each</p> 						
<p>The number of RTI applications rejected are less than 10% for all information commissions studied (CIC and 10 state commissions)</p> 	<p>100%</p>	<p>While the number of RTI applications received by authorities in J&K grew phenomenally, the rejection rate dropped</p> <table border="1"> <tr> <td>2009-10</td> <td>9</td> </tr> <tr> <td>2010-11</td> <td>4</td> </tr> <tr> <td>2011-12</td> <td>1.37</td> </tr> </table> <p>All Figures in %</p>	2009-10	9	2010-11	4	2011-12	1.37
2009-10	9							
2010-11	4							
2011-12	1.37							
<p>In states with smaller populations like Meghalaya and Mizoram, less than 1% of RTI applications were rejected</p> 	<p> In Chhattisgarh 2,351 women (4.81% of total number of RTI applicants) sought information</p>							
<p>In Karnataka, which received nearly 2.93 lakh requests, the proportion of rejections was 0.30%</p>	<p>The highest proportion of rejections was by public authorities under the Central government (8.14%) and those under the government of Maharashtra (7.2%)</p>							
<p>Number of cases in which the Maharashtra State Information Commission recommended disciplinary action against a public information officer is 443. The CIC recommended such action only in 24 cases</p>	<p>More than 4,000 applications pertaining to intelligence and security organizations were rejected</p>							
<p>The State Information Commission of Karnataka imposed penalties in the maximum number of cases (537), followed by its counterpart in Maharashtra (343)</p>								

Source: **The Times of India**, <http://timesofindia.indiatimes.com/india/40-lakh-used-their-right-to-information-in-2011-12/articleshow/24003323.cms>

52. Cooperatives out of bounds to RTI, rules Supreme Court

New Delhi, October 12, 2013 J. Venkatesan

They don't come under the definition of 'public authority' in the Act

Cooperative societies will not come under “public authority” as defined under Section 2(h) of the Right to Information Act and hence are not liable to provide information to the general public under this law, the Supreme Court has held.

The powers exercised by the Registrar of Cooperative Societies and others under the Cooperative Societies Act are “only regulatory or supervisory” and will not amount to dominating or interfering with the management or affairs of the society so as to control it. “Supervisory or general regulation, under the statute, of cooperative societies, which are body corporate, does not render [the] activities of the body so regulated subject to such control of the state so as to bring it within the meaning of “state” or instrumentality of the state,” said a Bench of Justices K.S. Radhakrishnan and A.K. Sikri.

Writing the judgment, Justice Radhakrishnan said citizens could have access only to information “held” by and under the “control of public authorities,” with limitations. “If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the RTI Act, evidently, that information will not be under the control of the public authority. Resultantly, it will not be possible for citizens to secure access to that information...”

The Bench pointed out that citizens forming cooperative societies “is now raised to the level of a fundamental right and the state shall endeavour to promote their autonomous functioning. Parliament, with a view to enhancing public faith in the cooperative institutions and insulating them from avoidable political or bureaucratic interference brought in the Constitutional (97th Amendment) Act, 2011.”

Recognising that the right to privacy was a sacrosanct facet of Article 21 of the Constitution, the law put in a lot of safeguards to protect the right under Section 8(j) of the RTI Act, the Bench said. “If the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve the larger public interest, the public authority or the officer concerned is not legally obliged to provide that information.”

The Bench disposed of appeals filed by Thalappalam Service Coop. Bank Ltd. and others against a Kerala High Court judgment, which held that cooperative societies would come within the

ambit of the RTI Act. “We have found, on facts, that the societies, in these appeals, are not public authorities and, hence, not legally obliged to furnish any information sought for by a citizen under the RTI Act,” the Bench held.

Supervisory or general regulation does not subject cooperatives to state control

If information is not under control of public authority, citizens can't have access to it

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/cooperatives-out-of-bounds-to-rti-rules-supreme-court/article5227352.ece>

13 October 2013

53. Over 300 sexual harassment cases pending before Supreme Court

PTI Oct 13, 2013, 02.32PM IST

NEW DELHI: Over 300 cases of sexual harassment and crime against women are pending before the Supreme Court, according to an RTI reply.

According to the data provided by the Supreme Court in response to an RTI plea filed by a Pune-based activist, 325 matters relating to sexual harassment and cruelty against women, including 150 regular cases, are pending with the court.

Responding to the RTI query by activist Vihar Dhurve, the court said 403 matters relating to harassment, kidnapping and abduction are also pending before the apex court.

Dhurve had sought to know from the apex court the details of pending cases in the Supreme Court which have been assigned to fast track courts.

In response, the apex court said "there is no fast track court defined and year-wise pending matter in regard to subject category is not maintained."

The apex court said 472 cases related to corruption, 588 road accident cases related to permanent disability, 45 road accident for other injuries, 418 divorce cases and 39 matters of atrocities on Scheduled Castes and Scheduled Tribes are also pending.

An overwhelming number of 8,490 litigations related to land acquisition in different parts of the country are also pending before the apex court, it said.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/india/Over-300-sexual-harassment-cases-pending-before-Supreme-Court/articleshow/24089915.cms>

54. Political parties should not be exempted from RTI, Tharoor says

TNN Oct 13, 2013, 05.01AM IST

THIRUVANANTHAPURAM: Minister of state for human resource development [Shashi Tharoor](#) on Saturday said political parties should not be exempted from the provisions of the Right to Information Act.

"I'm sure this would be slightly controversial; and unfortunately many of the cameramen have left. About the current controversy, whether RTI should be extended to political parties, my

personal opinion, and I stress it's a personal view... is that RTI should be embraced by political parties," Tharoor said.

He was speaking while inaugurating the two-day national seminar on Right to Information - The Way Forward, which concluded here on Saturday. Opposition leader VS Achuthanandan also addressed the gathering. Tharoor's words were well-received by the audience with a round of applause.

The minister said that given how much RTI has become an instrument in our democracy, it will be odd for political parties, which in many ways are the lifeline of our democracy, to exempt themselves from the Act.

Tharoor said he had discussions with fellow members of Parliament about why parties were against the RTI Act, and they had observed that political parties were already providing all necessary information to the public, including a party's income and expenditure, details of the individuals and their assets and so on, through the election commission.

"But my answer to them is that if all these information are already in public, then what is the shame in making it available through the RTI. My own view is that the more transparent we are, the more we will regain the trust of the electorate at a time when trust is, frankly, eroding," he said.

Tharoor added that discrediting political parties was possibly the single-most dangerous development in Indian democracy in the 66 years of independence at a time when an alarming number of public opine that they do not particularly care about preserving democracy.

"If political parties lose the trust of voters, then democracy itself is endangered. Therefore, the opposition to RTI Act is not such a good idea," the minister said, adding that, "In the case of my own party, as I said... within the party, I respectfully disagree."

The minister said that even after eight years, a majority of the government departments and public authorities have not published details as stipulated in section 4 (1) b, chapter II of the RTA, 2005.

The seminar was organized by the state information commission, in association with the general administration department.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Political-parties-should-not-be-exempted-from-RTI-Tharoor-says/articleshow/24068492.cms>

55. Eight years of RTI: Huge backlog, fear of attack

TNN Oct 13, 2013, 03.13AM IST

AHMEDABAD: Raghubha, a daily-wage worker from Nandana village in Jamnagar district, was tired of applying to government agencies for a grant for constructing an individual toilet. Without much knowledge of Right to Information (RTI), he sought the help of some activists. Soon after, he sent an application to District Rural Development Agency (DRDA) seeking information on how many villagers had received grants for construction of toilets and how many were actually built.

He received several threats and had to fight a long battle. He finally got the information that as many as 300 people were granted money but no toilets were built. This information not only forced the local administration to take action against the village sarpanch and the Taluka Development Officer (TDO) but also helped Raghuba get the money he was seeking for long.

It was eight years back that citizens of India were given a tool in the Right to Information (RTI) Act to fight for transparency and accountability in governance. After 2005, Gujarat-based RTI activists have some success stories to cheer about but they also have many complaints and suggestions for improvement.

Pankti Jog, an activist with city-based Mahiti Adhikar Gujarat Pahel (MAGP), told TOI that the main problem with RTI in Gujarat is the pendency rate. "At the moment, there are 8,800 cases pending with the Gujarat Information Commission (GIC). This large backlog is partly because the state has only three information commissioners against posts for 10. In comparison, states like Haryana and Goa have more commissioners. The need of the hour is to strengthen the first appellate authority so that applicants don't need to go to the commissioner several times," she said.

MAGP office-bearers stated that one of the issues they have highlighted time and again is protection for RTI activists. After passing of the RTI Act, four activists have been murdered and there have been 24 cases of assault on those directly or indirectly involved in RTI activism.

"When it comes to sensitive information, there is always a danger of activists being arm-twisted by the parties concerned. Lack of adequate protection deters genuine applicants. We are creating awareness about who can file petitions under RTI, how they can do it, the organizations and the department involved and ways to fight to get required information," said Harinesh Pandya, an RTI activist from the state.

Volunteers stated that their RTI Helpline (09924085000) has so far got nearly two lakh calls from across the country. "We receive 45 to 65 calls on a daily basis. Of these, 35% are directly from citizens with no background in RTI. Land GR, schemes and welfare programmes of the state and central government, and the procedure to be part of the programmes are among the topics on which information is most frequently sought. Mostly, land related issues (18%) prompt citizens to take action. Then come civic services and central government schemes," said a volunteer.

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-13/ahmedabad/42991944_1_rti-helpline-rti-act-magp

56. Ashok Khemka letter asks government why no action on babus

Sukhbir Siwach, TNN Oct 13, 2013, 04.59AM IST

CHANDIGARH: After sending a report to the state government about three senior IAS officers of Haryana claiming mobile bill reimbursements beyond their entitlement, IAS officer Ashok Khemka on Friday sent another letter to the chief secretary saying that the government has failed to take any follow-up action against the erring babus.

Khemka had sent the report to the government in March, when he was managing director of the Haryana Seeds Development Corporation (HSDC), stating that three IAS officers -- Roshan Lal, Vikas Yadav and Ashok Yadav -- had claimed reimbursement of mobile phone bills beyond their limits. Vikas Yadav has since announced to pay the excess amount.

Sources said Khemka procured information on the government files under RTI Act and sent a letter to chief secretary P K Chaudhery on Friday, saying, "There is no follow-up to the official communication (from the CS to the three bureaucrats on mobile phone issue)."

Khemka had stated that the officers were using two to four mobile phones at the expense of the state exchequer. The government on May 31 had asked the IAS officers to justify their mobile phone bills beyond their entitlements or pay back the amount claimed in excess.

After collecting information under RTI, Khemka, a 1991 batch IAS officer, said Roshan Lal also claimed reimbursements against a third mobile phone number from Haryana State Warehousing Corporation during June 18, 2009 to March 17, 2013. Khemka's letter also said that as per records, there is no reference from the three officers, justifying the wrong claims towards

inadmissible mobile phone usage. There is no record of the deposit of money wrongly utilized either.

"It seems there are different rules for different officers," Khemka alleged. "Due to this (mobile phone case) and other references, Roshan Lal is extremely vengeful and deliberately creating incorrect documents to cause injury to me. If an inadmissible claim... was claimed and utilized by me, I would have been definitely chargesheeted for a major penalty. I hope a different standard would not be applied in case of Roshan Lal," said Khemka in the letter.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Ashok-Khemka-letter-asks-government-why-no-action-on-babus/articleshow/24068376.cms>

57. Make RTI Act applicable to CMO, says VS

Thiruvananthapuram, October 13, 2013 Special Correspondent

Leader of the Opposition V.S. Achuthanandan has proposed that the Chief Minister's Office (CMO) be brought under the purview of the Right to Information (RTI) Act to make its proceedings transparent.

Many a controversy can be avoided if the government is prepared to do this, he said while delivering the presidential address at the valedictory of a national seminar on "RTI Act — the way forward" organised by the State Information Commission here on Saturday.

"It is not enough to affix the label of transparency on official documents. Transparency in administration has to be experienced by citizens to make sense," he said.

Referring to the controversy over the CCTV footage of the CMO on the solar scam, Mr. Achuthanandan said it was a barometer of transparency.

"Despite the High Court observations on the examination of the CCTV footage, the public is yet to be convinced of the transparency of the Chief Minister's Office. Do not citizens have the right to be informed of the activities at the office that is under a security blanket round the clock?," he asked.

Mr. Achuthanandan said the State was yet to utilise the potential of the RTI Act fully. "Even if citizens get the required information by invoking the Act, they are forced to rely on legal measures to get things implemented. It is time to address this issue," he said.

Pointing out that transparency in administration held the key to democratic governance, he urged the government for steps to increase awareness of the right to information and to curb its misuse.

Inaugurating the session, Union Minister of State for Human Resource Development Shashi Tharoor supported the view that all political parties should be brought under the purview of the RTI Act to rebuild the trust of voters. He warned that democracy in India would be endangered if the political class was discredited.

Mr. Tharoor said much of the information sought under the RTI provisions could be posted on the Internet by government departments to make it more accessible to citizens. “Public authorities have either not provided this facility or implemented it in a manner unfriendly for users,” he said.

He, however, said information commissioners in India were more liberal in interpreting the right to information than their counterparts in other parts of the world, putting India in a league of its own.

Additional Chief Secretary Nivedita P. Haran and State Information Commissioner C.S. Sasikumar spoke.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/make-rti-act-applicable-to-cmo-says-vs/article5230632.ece>

58. In a first, RTI activist to get police security

Kochi, October 13, 2013 K.A. Shaji

Joy Kaitharam has become the first Right to Information (RTI) activist in the State to be provided police security.

The Home Department, last week, directed T.K. Thomas, Deputy Superintendent of Police, Chalakudy, to provide security to Mr. Kaitharam, who is from Vellikulangara in Thrissur district. Chief Information Commissioner, Kerala, Siby Mathews had written to the Chief Secretary and the Home Department in April that Mr. Kaitharam should be provided security. The letter said the activist had been facing a threat to his life and liberty since taking up cases such as the alleged high-level corruption in Malabar Cements and the death of its former Company Secretary V. Saseendran and his two children in mysterious circumstances.

On Friday, in the solar scam case, which is unrelated to Mr. Mathews’s recommendation, Mr. Kaitharam’s petition to seize CCTV footage from Chief Minister Oommen Chandy’s office was rejected by the Kerala High Court.

Many RTI activists across the nation have received police security following threats.

“Under the RTI Act rules, police protection must be provided to RTI activists and whistle-blowers on demand and that too within 30 days since they approach the police. Though it was delayed a little [in the case of Mr. Kaitharam], steps are now on to provide him adequate security,” said an officer of the State Information Commission. “The police are now on a statutory verification of the issue, and the escort would be provided to Kaitharam very soon.” The activist said he had approached Mr. Mathews on getting many threat mails and phone calls after taking up cases such as the Malabar Cements scandal and the alleged irregularities in the land transactions of the Kerala Cricket Association for setting up a cricket stadium.

Exposing corruption

A copy of Mr. Mathews’ letter, accessed by *The Hindu* , says Mr. Kaitharam has been facing a threat for exposing alleged corruption in the formation of the Kerala University of Health Sciences.

“He was fighting several instances of corruption and maladministration. Joy is target of some powerful and highly influential persons and groups in the state. His RTI requests and public interest litigation petitions have exposed many dubious deals,” it said.

“I have approached the Information Commission seeking police protection in the face of many threats to my life. However, I am a bit concerned of the effects of police escort. It may help the police and the government track my activities and pass advance information to those who are against my deeds,” Mr. Kaitharam said.

He said many RTI activists across the State face a threat and it was necessary to give them protection.

Joy Kaitharam facing threat to his life

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/in-a-first-rti-activist-to-get-police-security/article5230626.ece>

59. Court reserves orders on plea against Kalpakkam unit

Chennai, October 13, 2013 Special Correspondent

The Madras High Court has reserved orders on a public interest litigation petition seeking to restrain the authorities from operating the Madras Atomic Power Station (MAPS) (Units I and II), Kalpakkam in Kancheepuram district, without obtaining environmental clearance.

The First Bench comprising Acting Chief Justice R.K.Agrawal and Justice M.Sathyanarayanan reserved orders on conclusion of arguments.

In the petition, M.Vetriselvan, an advocate here, said that in response to an RTI query in May this year, the Atomic Energy Regulatory Board (AERB) had said that all the recommendations of the Nuclear Power Corporation of India (NPCIL) committee/task force and the high level AERB committee constituted in the wake of the Fukushima disaster in Japan had not been implemented so far with regard to MAPS.

No environmental clearance with regard to storage of spent fuel in the power station had been obtained.

‘Constitutional violation’

The petitioner said the authorities’ failure to make a fresh environment impact assessment and obtain clearance would be a violation of the Constitution.

In a counter filed on behalf of NPCIL, the MAPS submitted that the spent fuel from reactors was kept in the spent fuel water pool named as “Spent Fuel Storage Bay.” The bay was operated as per the AERB guidelines and requirements.

Investigations on

With a view to allaying doubts about the existence of an alleged volcano about 100 km from Kalpakkam, on which was based on a website, the counter said a work order had been issued to the National Geographical Research Institute in June this year at a cost of Rs.12.08 lakh to coordinate the activities in this regard by mobilising the expertise in this field and identify various geo-scientific investigations that were needed to address the issues adequately and plan for future scientific investigations.

This had been done as a matter of abundant caution. Indian history did not bring any description of such volcanic activity. The entire doubt on an unconfirmed volcano of Kalpakkam/Puducherry coast was based on some unknown sailor’s letter which could not be relied upon, the counter said.

In a counter filed on behalf of NPCIL, the MAPS submitted that the spent fuel from reactors was kept in a ‘Spent Fuel Storage Bay’ as per guidelines

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/court-reserves-orders-on-plea-against-kalpakkam-unit/article5230461.ece>

60. Despite official apathy, RTI remains high on Pune citizens' agenda

Manoj More : Pune, Sun Oct 13 2013, 03:41 Hrs

Eight years after it came into being, the RTI Act has caught the fancy of citizens in Pune and Pimpri-Chinchwad, but what seems to have hampered its momentum is the apparent "negative attitude" of the officialdom in providing information to RTI applicants.

Information seekers are rushing to the State Information Commissioner with second appeals, which have piled up to 5,604 by September end.

While the RTI Act took effect in 2005, the SIC bench in Pune was set up in 2007. The pendency of appeals has only grown by the year. In 2011, second appeals stood at 1,547, in 2012 the figure reached 1,942 appeals and in 2013, 2,067 appeals were pending before SIC bench in Pune. Collectively, 5,604 appeals are awaiting disposal.

This, says former State Information Commissioner Vijay Kuvlekar, reflects the fact that RTI has taken root among citizens, they are desperate to get information; but officials seem to be making attempts to offset the momentum.

Kuvelkar said, "The problem is that top IAS officers are not taking interest in effectively implementing the RTI Act while lower rung employees attach no importance to the Act," Kuvlekar said. RTI activist Vivek Velenkar, who has forced several government departments to initiate new norms through his RTI applications, said there seems to be no deterrent for the officialdom who are either providing half-hearted information or delaying it, forcing RTI applicants to go in for an appeal.

"Only in 10 per cent of cases, a fine of Rs 25,000 has been imposed on officers for not providing information on time. In 90 per cent of the cases, no fines has been imposed. Besides, there is no machinery which will find out whether the fine has been paid by the officers or not," Velenkar said, adding that only a "deterrent directive" will make officials see reason.

Vijay Kumbhar, an activist whose RTI application on misuse of civic properties had shaken PMC administration, said, "There was no system of checking the compliance of SIC's order. After I took up the issue with SIC, the practice has started. But I am not sure if this is being implemented," he said.

Kumbhar alleged that several officers have become "insensitive" to the Act while Kuvlekar said there was need to sensitise officers on the Act. Raviraj Phalle, deputy secretary, SIC bench,

Pune, said the pendency has mounted as the commissioner had not been appointed for more than six months. "The disposal rate has picked up after the SIC took over. Over 300 cases are disposed off ever month," he said.

Source: **The Indian Express**, <http://www.indianexpress.com/news/despite-official-apathy-rti-remains-high-on-pune-citizens--agenda/1181975/0>

14 October 2013

61. 2006 tragedy re-run at Datia, but MP govt yet to release probe report

TNN Oct 14, 2013, 05.38AM IST

BHOPAL: It was deja vu on the bridge to the Ratangarh temple. Exactly seven years ago, over 50 devotees were washed away in the same spot, but the state government is yet to act upon or release the report submitted by the judicial commission which probed the incident. Pilgrims died after the Mandikheda dam gates were suddenly thrown open and they were drowned by the surging Sindh river.

An RTI plea was filed after the state government's inquiry report was not made public. But the case dragged on as the state did not have an information commissioner.

On September 3, a division bench of the high court presided over by acting Chief Justice K K Lahoti and Justice Subhash Kekde, gave a six-day deadline to the government to appoint a chief information commissioner, while hearing the writ on the 2006 tragedy.

The state government had set up a probe committee headed by a retired high court judge S K Pandey, who submitted his report in March 2007.

RTI activist Ajay Dubey who is fighting the case, claimed the Pandey report was buried after officials under-reported the death toll and downplayed the role of government officials.

Denied access to the document, Dubey filed an application before the chief information commissioner.

In 2010, then CIC P P Tiwari ordered the government to provide the RTI activist with the copy of Justice Pandey's report. However, the department of general administration refused to oblige.

In 2012, deputy secretary of the department, Rajesh Kaul, gave him in writing that a copy could not be given as it was to be tabled in the Assembly.

Thereafter, Dubey filed a petition before the high court and Justice K K Trivedi disposed of the case with a directive to approach the chief information commissioner under RTI provisions.

This led to a piquant situation as the chief information commissioner's post was vacant. CIC Iqbal Ahmad had retired in December, 2012.

Dubey said he would be filing a Special Leave Petition (SPL) for urgent hearing on his case and seek directives from the state government to make the report public.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/india/2006-tragedy-re-run-at-Datia-but-MP-govt-yet-to-release-probe-report/articleshow/24120250.cms>

62. RTI letdown

DR S K VERMA, Ambala Cantt

I fully agree with the news '[RTI Act failed to serve its purpose: Activists](#)' (October 8). I had sought information from the Directorate of Higher Education, Panchkula, regarding the seniority list in one of the colleges in Haryana, but even after 75 days, the department concerned has failed to reply to my request. It is as if they are saying "How dare you seek information from us? We will show you who we are." It was rightly said that even the FAA is corroborative and State Information Commissioners are doing "extended government service".

Source: **The Tribune**, <http://www.tribuneindia.com/2013/20131012/letters.htm>

63. Fogging kills mosquitoes or harms humans?

TNN Oct 14, 2013, 12.46AM IST

HYDERABAD: Civic officials have been adopting various measures like chemical fogging to tackle the mosquito menace in the city. But are these chemicals harmful to humans? Worryingly, the authorities do not know.

In a reply to an RTI query filed by Syed Ali Hussaini, an activist, municipal authorities admitted that they have not done any study to check the effect of the chemicals used against mosquitoes on [humans](#). What's more, it is not only one or two, but around 10 chemicals that are routinely being sprayed around houses and parks in the city.

"Under the RTI Act, I wanted to check if the chemicals were harmful, but was shocked to know they did not conduct any study in this regard," Hussaini said. "The reply shows that they have been blindly following the procedure without knowing its consequences. They should be extra [careful](#) with the usage of these chemicals since it affects the lives of a large number of people," he added.

The chemicals that are used in these preventive methods are temephos, fenthion, BTI, pyrosene oil, MLO, [DDT](#), lambda phalothrin, pyrethrum and malathion. "Each of these chemicals is nothing but biological [poison](#)," said K Babu Rao, retired scientist at IICT, Hyderabad. "Prolonged use of these chemicals will lead to its accumulation inside the human body. It will eventually lead to poisoning or may affect other organs. The problem is that there is no systematic impact study on these chemicals. The government only gives permission for their usage since they are inclined more towards the business lobby than public health," he claimed.

Doctors too are worried and have sounded an alarm. "Apart from causing allergic reactions in the lungs and upper and lower respiratory tracts, they can be responsible for [asthma](#) attacks. The immunity levels in human body may also decrease," said Mohammed Samiuddin, a pulmonologist at Global Hospitals.

Officials, however, say these procedures are standard and there is no need to conduct studies. "The methods that are being used here are the same as those used internationally. We also take care and use them in limited quantities. Hence, public health is not in danger," said V Venkatesh, chief entomologist, GHMC.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/hyderabad/Fogging-kills-mosquitoes-or-harms-humans/articleshow/24108663.cms>

64. Haragopal lays stress on effective use of RTI

Khammam, October 14, 2013 Staff Reporter

RTI movement has left the corrupt elements shaken, he says

The provisions of the Right to Information (RTI) Act should be effectively used to safeguard the rights of voiceless and underprivileged sections to serve the larger interests of the society, said civil liberties leader G. Haragopal.

Mr. Haragopal was in the town to participate in a meeting held here on Sunday to mark the celebration of the ninth anniversary of the RTI Act. The district unit of United Forum for Right to Information Campaign organised the meeting.

Earlier, speaking to newsmen Prof. Haragopal said the RTI Act came into existence in 2005 mainly owing to sustained people's movements. Terming it as a powerful instrument for the empowerment of common man, he said the vigorous RTI movement has left the corrupt elements shaken.

Queries

The growing attacks including killing of some RTI activists at various parts of the country in the past few years showed the signs of frustration among the mafia and criminal elements. The RTI campaign should be stepped up to ensure effective implementation of the Act in letter and spirit.

Queries related to individual grievances constituted an overwhelming majority of the total petitions filed under the RTI Act, he noted suggesting that all sections should become active partners in propagating the RTI Act to enable people make optimum use of its provisions for the

benefit of the whole society. Earlier, addressing the gathering MLC K. Nageshwar said the multi-national companies including big corporate firms should be brought under the ambit of the RTI Act.

Several big corporate companies have been carrying out their businesses by availing crores of rupees bank loans and raising public money.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/haragopal-lays-stress-on-effective-use-of-rti/article5232667.ece>

65. Former IICT scientist disputes NTTPS claim on mercury levels

Vijayawada, October 14, 2013 G. Venkataramana Rao

Babu Rao says the claim by the NTTPS Chief Engineer that the mercury contamination was within limits need to be verified

The claim by the Narla Tatarao Thermal Power Station (NTTPS) authorities that the mercury levels in groundwater and ash pond effluent samples were well within the standard limits of the Andhra Pradesh Pollution Control Board (APPCB) is itself an admission that the water was contaminated with heavy metals leached from coal ash, said adviser to the National Alliance of People's Movement and former Institute of Chemical Technology (IICT) scientist K Babu Rao.

In a note to *The Hindu*, Mr. Babu Rao said that the claim by the NTTPS Chief Engineer (Operations and Maintenance) that the mercury contamination was "within limits" needed to be verified by a third independent organisation as the "credibility" of the Environment Training, Protection and Research Institute (EPTRI) and the APPCB was "questionable".

Mr. Babu Rao said that it was an established fact that the coal contained a large number of chemical elements including halogens. According to a study made by the U.S. Geological Survey, there were 78 trace elements in coal and in Indian coal the number was 35. Some of them leach out from the ash and some were emitted through the stack gas. The NTTPS had no measures to prevent leaching of heavy metals from fly ash in the ash pond and percolating into the groundwater.

Mr. Babu Rao said there was enough scientific evidence of soil and water body contamination around coal-fired power plants in India.

According to the online monitoring of stack gas data available for all seven units of the NTTPS taken from website http://pcbsite.nic.in/stack_industries.aspx the Solid Particle Matter (SPM)

emission by units 2-6 exceeded (290 mg/N metre cube) against the prescribed limit of 115 mg/Nm³ on October 2. The stack gas data collected under the RTI, before the online monitoring system was in place, also showed that the SPM always exceeded the permitted limit. Neither the APPCB took any action nor the NTTPS initiated steps to bring down the levels, he alleged.

This showed that the Chief Engineer's statement that the Electro Static Precipitators (ESPs) were provided for all the units to control dust emission was "hollow", Mr. Babu Rao said .

The claims of the Chief Engineer with regard to mercury were also dubious, he alleged. Quoting the technical guidance manual for thermal power plants prepared by the IL&FS for the Ministry of Environment and Forests in 2010, Mr. Babu Rao said, "Upon combustion, coal ash tends to have a higher concentration of mercury. Estimates indicate that Indian coal has an average mercury concentration of 0.53 mg/kg. Annexure-I of the manual put the average concentration of mercury in Indian coal at 0.35 mg/kg.

Calculating at the minimum concentration, the existing 1,760 MW plant at NTTPS was releasing 2.448 tonnes of mercury per annum, Mr. Babu Rao opined.

Source: The Hindu, <http://www.thehindu.com/news/cities/Vijayawada/former-iict-scientist-disputes-nttps-claim-on-mercury-levels/article5232868.ece>

66. Information on PM's meets with Wal-Mart lobbyists withheld

PTI Oct 14, 2013, 07.21AM IST

NEW DELHI: The Prime Minister's office (PMO) has declined to share details of the meetings the lobbyists of US-based retail giant [Wal-Mart](#) had with Prime Minister [Manmohan Singh](#) and other officials, citing exemption clause under the RTI Act.

"In respect of Prime Minister, the office has stated that the sought information is exempted under Section 8 of the Act, whereas regarding PMO official(s) the office has stated that information sought is not part of records held by the office," the PMO said in reply to an RTI query.

The section contains at least eight sub-clauses under which an information sought under RTI can be denied. The PMO has not given any reason, which is mandatory as per the RTI Act, for denial of information.

The PMO was asked to give details of lobbyists, advisers, officials and representatives of Walmart who had met the Prime Minister or officials in PMO between 2008 till date.

A one-member enquiry committee, under the chairmanship of former chief justice of Punjab and Haryana high court Mukul Mudgal, was set up by the government in January.

The move came after Parliament was informed by the government that it would probe the issue of Wal-Mart having lobbied hard before the US lawmakers for access to lucrative Indian retail market.

Lobbying is legal in the US and many other countries, where companies concerned and their registered lobbyists need to make quarterly disclosures about such activities. However, India has no such guidelines in place.

The government-appointed panel, which submitted its report on May 18, is understood to have remained inconclusive on whether Wal-Mart violated Indian laws in carrying out lobbying with US lawmakers to enter India's retail market.

The findings of the Mukul panel are yet to be taken by Union Cabinet.

Bharti Enterprises and Wal-Mart have recently parted ways to operate retail stores independently in India.

Wal-Mart spent \$6.13 million (about Rs 33 crore) on lobbying for various issues, including on discussions related to [foreign direct investment \(FDI\)](#) in India, during 2012, as per the US Congressional records. It had been lobbying on India-related issues since at least 2008 and continued to do so till at least first quarter of 2013.

However, Wal-Mart halted its lobbying with the American lawmakers on India-specific issues during the last quarter ended June 30, as per its latest quarter disclosure reports.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Information-on-PMs-meets-with-Wal-Mart-lobbyists-withheld/articleshow/24124290.cms>

15 October 2013

67. Rs 3 crore going to the monkeys in Delhi

Darpan Singh, Hindustan Times New Delhi, October 15, 2013

A junior officer in the Delhi Forest Department has been entrusted with the responsibility of spending Rs. 25 lakh to feed about 16,000 monkeys at the Asola Bhatti Wildlife Sanctuary every month.

This is a clear violation of store purchase rules that specify that tenders, which ensure the contract goes to the lowest bidder to optimise use of taxpayers' money, should be floated for all such expenditure. Without tenders, it's impossible to justify why the contract went to a particular firm or individual.

"Instead of forming a committee... to look after procurement, distribution, quantity and composition of food, the department has left everything to a deputy range officer. No review has ever been done," says a July 2013 report of the Delhi audit department. It refers to details from a period between 2008 and 2010.

The department has not reviewed the deputy range officer's decisions on how much feed to procure and from whom even once.

The food bill for the monkeys lodged in the sanctuary was Rs. 1 crore in 2008-2009. It's risen to Rs. 3 crore per year now, an increase of 200%. "If the [forest] department had made efforts, the burden on the expenditure could have been reduced," the audit notes.

After a High Court order, the forest department in 2007 started capturing monkeys found in residential areas and releasing them in the Asola sanctuary. This was triggered by an incident in 1997 in which Delhi's deputy mayor SS Bajwa died after he fell from the terrace of his house after monkeys attacked him.

At the time, the court suggested that the forest department feed the monkeys. To offset some of the expense, it suggested that civic agencies collect food offered as religious offerings and send it to the sanctuary. The forest department was also directed to plant fruit-bearing trees that



MONKEY BUSINESS?

- ₹25 lakh is what forest department spends to feed **16356 monkeys** in Asola sanctuary each month
- This is a 200 per cent increase from 2008-2009
- Money is spent at the discretion of a junior forest department officer in violation of rules that specify tenders must be floated

would enable the monkeys to fend for themselves in a few years.

But the forest department seems to have ignored these suggestions that would have helped it save money in the long run. “Civic agencies did not collect food from temples, but the forest department ignored this. The department did not tell the audit as to how many saplings of fruit-bearing plants it has planted,” the report says.

In response to an RTI application, the forest department claims it feeds the monkeys with bananas, cucumber and black gram bought from reputed suppliers at rates approved of by an agricultural produce market committee. It admits it never invited tenders for supply of the feed.

It also admits: “No water ponds, reservoirs have been created for providing drinking water to monkeys.”

Source: **The Hindustan Times**, <http://www.hindustantimes.com/India-news/NewDelhi/Rs-3-core-going-to-the-monkeys-in-Delhi/Article1-1135173.aspx>

68. UIC serves show cause notice to corbett pio for failure to provide rti

Tuesday, 15 October 2013 | PNS | Dehradun | in [Dehradun](#)

The State Information Commission has served a show cause notice to the Corbett tiger reserve deputy director/public information officer to explain the alleged failure to provide timely and correct information under the Right to Information Act.

According to the applicant, People For Animals, Uttarakhand member secretary Gauri Maulekhi, a parallel tourism of private captive elephants, operated from the Durga Devi gate of Corbett was exposed by PFA. She alleged that illegal permits have been issued to elephant owners to enter the national park for safaris which were discovered by the organisation. When asked for details regarding the permits, the Corbett authorities provided false and misleading information, she averred.

The Uttarakhand Information Commissioner has now slapped a show cause notice on the Corbett PIO seeking written explanation failing which he may be fined under Section 20 (1) of the RTI Act.

Maulekhi states, “The captive elephants that are kept by private resorts on the periphery of Corbett have been regularly given permits to enter even though the same have been disallowed by the order of the Chief Wildlife Warden. Permission, however, was granted to an elephant owned by a resort owner at Jamoon. All other elephants were issued permits in the name of this one elephant but ridiculously, the names of the mahout and the keeper of the elephant is different

in all permits issued, proving that it was a different elephant each time. All permits bear the signatures of the previous Corbett field director Ranjan Mishra," she said, that the elephants that are given permits are not vaccinated and carry a huge worm-load which raises the risk of diseases spreading to the wild pachyderms living in the jungles.

Source: The Pioneer, <http://www.dailypioneer.com/state-editions/dehradun/uic-serves-show-cause-notice-to-corbett-pio-for-failure-to-provide-rti.html>

69. Ministries to miss deadline for disclosure

Himanshi Dhawan, TNN Oct 15, 2013, 06.22AM IST

NEW DELHI: UPA-II's claims of transparency fell flat on Monday with government department and ministries set to miss a six-month deadline to provide information on wide-ranging subjects, including foreign and domestic of senior bureaucrats and ministers, procurements, bureaucratic transfers, public-private partnerships, grants given to state governments and NGOs, toll charged among other disclosures.

The department of personnel and training (DoPT) on April 15 directed all central government departments to provide information on the decision-making process of the government including chain of command, accountability, general rules of procedure, allocation of budget but in a simplified manner. The ministries were directed to ensure the guidelines were operationalized within six months and a compliance report sent to DoPT and the Central Information Commission (CIC) soon after.

However, CIC has not received any compliance reports so far. Chief information commissioner Deepak Sandhu said that the process was likely to take some time. She said, "We will be auditing the proactive disclosures made by ministries. We are in the process of putting in place a standard procedure and methodology to ensure that the system is here to stay."

RTI activist S C Agrawal said that there was "negligible" compliance by the government. "If these guidelines are implemented, there would be no need for so many RTI applications," he said. Added CHRI's Venkatesh Nayak, "The common man has no idea about minimum things like how to cancel a BPL card or in how much time relief material should reach them. The government must provide this information in an accessible manner."

Section 4 of the RTI Act mandates that public authorities proactively disclose information of public interest and was expected to cut down on applications while bringing transparency in the

working of the government. However, most public authorities have not taken its implementation seriously. Hence, websites and public documents have outdated information forcing people to apply under the RTI Act for information that should be easily accessible.

DoPT has cautioned that information should be complete, easily accessible, technology and platform neutral, in local language and bereft of technical jargon. The DoPT note said that while a large amount of information was being put out in the public domain its "quality and quantity" was not up to the "desired level."

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Ministries-to-miss-deadline-for-disclosure/articleshow/24173797.cms>

70. 7/11 blasts: Court rejects plea to re-examine witnesses

HT Correspondent, Hindustan Times Mumbai, October 15, 2013

The special MCOCA court, while hearing the 7/11 serial train blasts case, rejected several applications of defence advocates for recalling a number of prosecution witnesses to cross examine, observing that the defence was abusing the process of law.

The special MCOCA judge was hearing applications filed by the advocates of the accused for recalling the witnesses, including police officers who were part of the investigating team and were earlier examined during The bench observed that all possible opportunities have been given to the defence.

It noted that the defence is taking undue advantage of the latitude shown by the court. the trial.

The defence advocates had pleaded that the witnesses need to be recalled in view of new facts being brought on record through an RTI application, call data records and depositions of other defence witnesses.

Objecting to these applications, the special public prosecutor had submitted that,

“right of speedy trial is not merely a right of the accused persons, but it is equally important that the kith and kin of the innocent 188 persons, who died in the blast, and 800 injured persons should also get justice. They are anxiously waiting to hear that justice is being delivered.”

While rejecting the application the judge observed, “This is an incorrect practice of the defence of giving applications from time to time after realising something later on or obtaining documents under the RTI. It will become an endless exercise to recall or sum mon witnesses if something new comes in the mind and hands of the defence as time passes.”

The judge concluded that all the applications filed by defence advocates are frivolous and were made with the intention of delay ing the trial and defeating the ends of justice.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/India-news/Mumbai/7-11-blasts-Court-rejects-plea-to-re-examine-witnesses/Article1-1135255.aspx>

71. RTI is double edged, needs amendment: Chief information commissioner

Prafulla Marpakwar, TNN Oct 15, 2013, 01.57AM IST

MUMBAI: Chief information commissioner Ratnakar Gaikwad on Monday said the eight-year-old Right To Information Act is a double-edged weapon as it can be misused to secure crucial information or to harass information officers in certain cases.

"Our responsibility is to create political will for implementation of the Act in letter and spirit and at the same time, we must ensure that the land mark legislation is not misused for harassment of the public information officers," he said on the occasion of completion of eight years since the law was enacted.

Gaikwad, a former chief secretary, said the law needed amendment, particularly on the number of applications a person can file. "The law is indeed dynamic, it concerns government employees and below poverty line applicants, under such circumstances, it was essential to examine as to the number of applications an individual is entitled to file," he said.

Gaikwad, who has been credited with disposing of the largest number of appeals, said the Act is a tool to undertake social audit of government-sponsored schemes. "We have several schemes for the public's welfare, but rarely are they reviewed. If we invoke RTI Act provisions, one can at least verify if funds provided for a scheme were utilized or the project's outcome," he said.

"The law's biggest achievement is that it changed the mindset of bureaucracy. Since the law's enactment, sharing information is faster, in fact, even bureaucrats are providing information in a routine course." Gaikwad said Maharashtra has pioneered effective implementation of the Act. In the last eight years, an estimated 32 lakh applications were filed, while information was provided in 30 lakh cases. Nearly 1.2 lakh appeals were filed and one lakh disposed of, no other state has such achievements," he said.

He said if the state government provides adequate infrastructure to information officers, fills up vacant posts of commissioners as well as subordinate staff, it will enhance the information commission's performance.

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-15/mumbai/43065518_1_information-officers-rti-act-information-commissioner

72. Audit slams PWD for Rs 82.87cr 'avoidable losses' in STP project

Krish Fernandes, TNN Oct 15, 2013, 12.59AM IST

PANAJI: The implementation of the sewerage scheme in Taleigao, Dona Paula and Caranzalem has come under the scanner of a central government audit agency and the state Public Works Department (PWD) has been hauled up for its dubious role in causing "avoidable losses" to the tune of Rs82.87crore.

The audit report of the Indian Audits and Accounts Department, under the Comptroller and Auditor General of India (CAG), has raised questions about some suspect decisions during the implementation of the project and the massive losses to the exchequer.

The audit report (a copy of which is with TOI) states that the government suffered a "huge extra burden, to the tune of Rs68.83crore, due to not taking timely decisions and prompt action in respect of work implementation of the sewerage scheme for Taleigao, Dona Paula and Caranzalem areas".

The report also notes that the PWD facilitated "avoidable extra expenditure of Rs11.56crore due to selection of cast iron pipes instead of HDPE pipes" while preparing work estimates. It points out that instead of using high-density polyethylene (HDPE) pipes which were suitable for the sewerage network, most of the pipes used are ductile iron (DI) pipes.

Compounding this, PWD officials approved quotations and sanctioned work orders based on the estimates for supply of DI pipes that were bought by the contractor from the manufacturer at a cheaper rate and then supplied to the PWD at much higher rates instead of the PWD procuring the pipes directly from the manufacturer leading to an "avoidable extra liability of Rs14.04crore", the report has critically observed.

Interestingly, any tender quotations that are below 5% of the estimated cost can be sanctioned directly by PWD officials, but those over 5% have to be approved by the government. A glance

at the details from the work orders issued (see info-box) shows that the first three phases have been approved from 2009-2011 at 18-39% above estimated cost. In April 2012, the fourth phase was approved at 4.97% above estimated cost.

The sewerage scheme for Taleigao and Dona Paula was administratively approved in 2006 with the different phases being tendered at different time periods. But in many cases work began without completion of required land acquisition procedure despite various judicial judgments stating that the government should acquire land in advance for execution of such public utility schemes.

Records obtained under RTI reveal that though the work orders for beginning work on the sewerage project lines were issued in March 2010, the land acquisition procedure for Taleigao areas was completed and possession of the land taken by the department only on March 5, 2013.

The issuing of work orders to contractors years before land acquisition has not only resulted in non-completion of many of the works leaving the public inconvenienced from excavated, sunken and potholed roads but has also led to losses worth crores of rupees to the exchequer. This modus operandi also provides contractors allocated works an opportunity to conveniently blame the delay in acquiring and handing over the work sites for the non-completion of works in the prescribed time period and may prevent the PWD from imposing penalties for the delays in completion.

The Sewerage Treatment Plant (STP) for the project, which is being constructed adjacent to the existing Panaji STP at Tonca since 2009 by HNB Engineers, Pune, is on the verge of completion and the contractor's five-year maintenance period will kick-in after completion of the work. While the contractor can demand that his payments be cleared on completion, the STP will not be receiving any sewage for treatment from the sewerage network lines in Taleigao and Dona Paula as the work is still in the process of being completed.

Surprisingly, none of the phases of the sewerage project are fully complete, even though the dates for completion of work as per work orders have long elapsed (except for phase IV).

A copy of the audit report was submitted to the PWD on February 2, 2013. When asked whether the PWD has conducted any internal inquiry or taken action based on the audit report, PWD principal chief engineer J S Rego said, "I have just received the report on October 8, 2013 and need to peruse through all the points. I have asked the PWD joint director of accounts to also go through it and revert to me in 15 days."

When asked when the already delayed sewerage project for Taleigao and Dona Paula will be completed, Rego said, "We have to check which areas are yet to be completed... where works have to be retendered. Works in Campal area, behind the military hospital have to be retendered."

Chief minister Manohar Parrikar and the state vigilance department were petitioned on July 31, 2013, by a law student Sairaj Bhaje, a resident of Taleigao, to initiate action against the PWD officials who have facilitated the heavy losses to the exchequer. The government is yet to initiate a probe or take action.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/mumbai/RTI-is-double-edged-needs-amendment-Chief-information-commissioner/articleshow/24166725.cms>

73. Moily gets educational qualification relaxed for his peon

TNN Oct 15, 2013, 05.55AM IST

NEW DELHI: Union minister Veerappa Moily not only managed to get relaxation in education norms to retain a peon as part of his personal staff but his request also prompted the Prime Minister's Office (PMO) to delegate this exercise of power to the ministry concerned.

As petroleum minister Moily had sought PMO's permission to retain Shubh Nandan Kumar as part of his personnel staff after change in his portfolio from the corporate affairs ministry. According to an RTI response on activist S C Agrawal's query the PMO in August also cleared the proposal to delegate powers to relax educational qualifications of peons in personal staff of the ministers to the ministry concerned while for the staff other than peon, the power was delegated to cabinet secretary.

According to the rules before the changes were made, ministers had the discretion to appoint persons of their choice on their personal staff on co-terminus basis within the prescribed scale of entitlement subject to fulfillment of eligibility criteria and educational qualifications.

The educational qualification for the erstwhile Group-D employees, who now come under Group-C, was prescribed as eighth standard but it was raised to 10th standard on the recommendation of the sixth pay commission.

The DoPT through notification dated April 2010 revised the eligibility norms in the recruitment rules for the posts, which were earlier in Group 'D' and have now been placed in Group 'C', as 10th standard. While powers to relax age limit of personal staff of ministers have been delegated

to cabinet secretariat, any relief in educational qualification could only be given by the Prime Minister, according to an order dated October 23, 2001.

Kumar's matter reached PM [Manmohan Singh](#) through cabinet secretary who recommended relaxation of educational qualification parameter in the case.

Following the recommendations, Singh approved the appointment and also mooted proposal to delegate the power to relax the educational qualifications with regards to appointment of the personal staff, according to information provided to Agrawal.

Source: The Times of India, <http://timesofindia.indiatimes.com/india/Moily-gets-educational-qualification-relaxed-for-his-peon/articleshow/24172983.cms>

74. A civil query for civic change

Atul Sethi | Oct 15, 2013, 07.03 AM IST

A giant currency note peeps out of Vijay Anand's pocket as he addresses a group of students. The note is an exact replica of a thousand-rupee note, except that it has 'zero rupees' printed on it along with the pledge 'I promise to neither accept nor give a bribe.' The zero-rupee note, devised by Anand, an RTI activist and founder of the NGO Fifth Pillar in Chennai, has become a symbol of sorts against corruption. "The note sends out a message that it doesn't pay to be corrupt," says Anand.

It's a neat little gimmick which accentuates the work Anand and his team are doing in the region. Recently, they helped more than 100 villagers of Villupuram district in Tamil Nadu get ration cards by filing RTI applications. "The taluk officer was delaying the issuing of their cards for several months in order to make the applicants pay a bribe," recalls Anand. "But soon, he had to apologize. This has inspired many villagers in Villupuram to use RTI to get their passports, voter I-cards and driving licenses without paying a bribe."

Across the country, many activists like Anand have leveraged the power of RTI to sort out social issues. Ratna Ala, 34, is a resident of Rangpar village in Gujarat's Rajkot district. When the water resources department stopped laying pipelines in the village leading to a water crisis, Ala promptly filed a series of RTI applications to question the decision and followed up the matter with the department. The visually handicapped activist's persistence paid off and the village is now on the verge of getting its water supply.

Incidentally, the use of RTI has also enabled activists to ward off potential disaster. A case in point is architect and RTI activist Sarang Yadwadkar who pointed out flaws in a river embankment project in Pune which could have led to flash floods. Yadwadkar procured thousands of documents through RTI over three-four years which showed that the project would have led to destabilization of 18 bridges, many of which were almost 150 years old. "The Pune Municipal Corporation (PMC) was planning a river navigation project which involved building exhibition grounds and pedestrian malls on the river bed," he says. "Such a thing would have reduced the width of the river drastically. With the information we had got, we approached the National Green Tribunal which put an end to the corporation's plans."

RTI has also been deployed effectively in informing people of the civic facilities available to them. Most of the public toilets in Delhi managed by contractors were charging users arbitrary high usage charges. Last year, efforts by the Delhi-based Satark Nagrik Sangathan (SNS) resulted in the situation being rectified. "In several areas housing low-income families, the contractor used to charge Rs 1 or 2 per person for each visit to the toilet, forcing families to pay upto Rs 400 each month," says Amrita Johri of SNS. "We filed a complaint in the Central Information Commission (CIC) demanding that in compliance with the RTI Act, relevant information about Delhi's public toilets, including their charges, timings for their opening and closing and contact details of the contractor responsible for their maintenance be painted outside each toilet."

In late 2011, CIC issued an order making it mandatory for all relevant information to be put up outside each public toilet in Delhi. Johri terms it a significant victory. "As a result of the order, people are now aware of the correct user charges and are able to hold the contractor accountable for any lapses."

With inputs from Christin Mathew Philip in Chennai and Vijaysinh Parmar in Rajkot

Reader's query

I would like to file an RTI application to know how much funds our neighbourhood gets for its children's park, which is not being maintained properly. For the last two years, every single slide and merry-go-round in the park is broken. I want to know what are those responsible doing with the funds? How should I go about it? — Monica

NCPRI replies: An RTI application can be filed regarding the maintenance of the park. Usually the municipal authority is responsible for public parks, so you could direct the RTI to them. In

case it is not the correct authority, the Public Information Officer (PIO) within the municipality will be responsible for forwarding your RTI application to the correct department. Under Section 6(3) of the Right to Information Act, the PIO is duty bound to forward the RTI application to the appropriate department within five days of receiving your application. In the RTI application, you could ask for details about the funds allocated for the maintenance of this public park, the number of times maintenance activity is supposed to be undertaken in one year, the dates and details of expenditure, the last time maintenance work was done and the names and addresses of the officials responsible for the maintenance.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/A-civil-query-for-civic-change/ileadindiashow/24174988.cms>

75. RTI has changed equation between citizen and govt'

Himanshi Dhawan | Oct 15, 2013, 07.05 AM IST

*National Campaign for People's Right to Information co-founder **Aruna Roy** tells Himanshi Dhawan that while RTI has given India hope, people need to be eternally vigilant against those trying to weaken the Act*

Eight years on, what is the impact of the RTI Act on the common man's life?

The Act has changed the power equation of the Indian citizen with the government. It has given the ordinary Indian a tool to exercise her sovereignty — to ask questions and demand answers. The RTI application has forced panchayats, states and the Centre to disclose information, and has initiated an era of citizen-driven transparency and accountability.

Should non-government institutions also be brought under its ambit?

From the beginning, the RTI campaign has strongly advocated that all institutions that use public money and affect public interest must be brought under the ambit of the Act. This includes NGOs, political parties, the media, trade unions, cooperative societies, religious institutions, and many others. Transparency and accountability would be incomplete without ensuring that the private sector is subject to RTI in so far as it affects public interest.

Has RTI improved governance?

It has brought the energies of public-spirited Indians to the domain of democratic governance. It has helped reduce corruption and arbitrary use of power. It has given us hope. Contrary to the allegation that it has resulted in policy paralysis, RTI has and will eventually ensure

accountability and efficiency so that bureaucrats and policymakers do the job they are paid to do with integrity, effectively and efficiently. Many honest and committed public officials have told us that RTI is a great tool, particularly to ensure efficiency which is often a victim to corrupt practices and nepotism.

Do you feel there is a lack of awareness about the RTI Act?

Awareness about RTI has spread more rapidly than most laws in India. However, it is not enough. RTI has the potential to change the culture of exclusion and secrecy to one of openness and inclusion. Citizens have displayed courage, commitment, and creativity in putting it to use. The many victims it has claimed speak of both its effectiveness and the need for protection. It is our responsibility to try and create platforms and avenues where such meaningful democratic participation can be fostered.

What are the obstacles in the implementation of the Act? How can they be overcome?

Bureaucratic resistance and the lack of political will continue to threaten the Act, though there have been notable exceptions. If citizens remain vigilant and receive support from people within the system, this movement will progress significantly. The citizen's sustained struggle against injustice and inequality is its most significant contribution and the most encouraging sign for Indian democracy.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/RTI-has-changed-equation-between-citizen-and-govt/ileadindiashow/24175054.cms>

76. The act effect: More than just another law

Manoj Mitta | Oct 15, 2013, 07.06 AM IST

The impact of RTI goes beyond just providing access to information. Here's a look at the far-reaching systemic and attitudinal changes wrought by the law since its inception eight years ago:

Empowering the poor

For all the spotlight it has enjoyed in recent years, the RTI movement was actually started without much fanfare by the poor. It was in the remote villages of Rajasthan where, mobilized by activists like Aruna Roy, the assumed beneficiaries of development began raising hard questions about the gap between the rhetoric and reality of fund disbursement. Ghost entries in muster rolls deprived real people of their entitlements. There were also demands to account for glaring discrepancies between development work on paper and on the ground. Social audit in the form of

public hearings and prolonged agitations culminated in the first-ever RTI measure in 1997, when the Rajasthan government issued a notification declaring that people were entitled to copies of government documents. Similar grassroots movements were instrumental in the enactment of RTI laws in nine states before the central Act finally came in 2005. Given its origins, it was but natural for the poor and marginalized to have taken to RTI, both in urban and rural areas, for a range of issues concerning them.

Breaching the steel frame

For those holding the reins of governance, RTI has subverted a colonial law called the Official Secrets Act, the Holy Grail that allowed them to keep the people out of the loop. Officials had the impunity to label all their documents with any of the four classifications of opacity: "restricted", "confidential", "secret" and "top secret". But RTI changed that by making access the rule, secrecy the exception. Now citizens can only be denied information falling under 10 exempted categories in Section 8 of the RTI. Officials have been forced to recognize that public interest takes precedence over secrecy. Further, Section 4 of the RTI requires public authorities to make proactive or suo motu disclosures of information, reducing the need for applications.

Deepening democracy

Before the enactment of RTI in 2005, only MPs were authorized to put questions to the central government and MLAs to their respective state governments. In a revolutionary change, any of the 1.2 billion citizens of India is now statutorily empowered to put questions, which the public authority concerned would have to reply within 30 days. Thus, democracy is no more about just exercising franchise at the time of elections. More importantly, it is about constantly engaging with the government through the RTI mechanism. RTI gives flesh to the first principle of democracy that people are the sovereign.

Exposing corruption

RTI has emerged as an anti-corruption tool for whistleblowers. It has been so effective in unearthing corruption that it triggered off a wave of fatal attacks on RTI activists. The repercussions of the greater transparency ushered in by RTI have forced the government to come up with a slew of Bills demanded by civil society: to protect whistleblowers, to redress public grievances and to set up a Lokpal or Lokayukta to deal with corruption allegations.

Source: The Times of India, <http://timesofindia.indiatimes.com/The-act-effect-More-than-just-another-law/ileadindiashow/24175113.cms>

77. Decoding RTI

Oct 15, 2013, 07.12 AM IST

The Right to Information Act, 2005 empowers all Indian citizens to seek information from public authorities. These include central, state and local governments, Parliament and state legislatures, judiciary, police, security forces and all bodies substantially financed by the government

Your rights under RTI

Ask questions or seek any information Take copies or inspect official documents Inspect government works Take samples of materials of any govt work .

Essentials of filing RTI application

It should have the particulars of information sought Address it to the public information officer (PIO) of the dept concerned Enclose proof of payment of application fee Give your name and address

Word limit

Shouldn't exceed 500 words, excluding annexures and addresses. Word limit varies across states

Language

It can be handwritten or typed in English, Hindi or the official language of your area

Information you can seek

Records, documents, memos, mails, opinions, advices, press releases, circulars, images or any other computergenerated material, orders, log books, contracts, reports, papers, samples, models or electronic data

Fees

Rs 10 for application, via postal order, demand draft or cheque in favour of the accounts officer of the department concerned and payable where it is located. A further fee may be charged later as cost of information sought

How to send the application

Send by post, email or deliver by hand, but not by courier. Apply online at <http://rtionline.gov.in/> to get information from central ministries/departments

Deadlines

You should get a reply within 30 days; 48 hours where life or liberty is involved; 35 days where request is sent to Asst. PIO; 40 days where third party is involved and 45 days for human rights abuse details from listed intelligence agencies

RTI workshops in your city

Oct 18 Ahmedabad

Oct 18 to 19 Mumbai

Oct 19 Thiruvananthapuram, Bhopal, Chandigarh

Oct 19 to 20 Delhi, Hyderabad

Oct 20 Pune, Patna, Bhubaneswar

Oct 21 Lucknow, Ranchi

Oct 22 Chennai, Kolkata, Srinagar

Oct 23 Jaipur, Bangalore, Guwahati

Source: **The Times of India**, <http://timesofindia.indiatimes.com/Decoding-RTI/ileadindiashow/24175282.cms>

78. In election season, netas keen to notch up a good rating

Anahita Mukherji | Oct 15, 2013, 07.07 AM IST

In the run-up to elections, air-brushing tainted political images has become a full-fledged occupation. India's elected representatives have engaged an army of PR executives and social media gurus who give them a corporate-style makeover online, irrespective of their track record offline. But the creative use of RTI in India's financial capital has helped MLAs and municipal corporators look good when they do their job well.

Praja Foundation, a not-for-profit that grew out of a youth movement in Mumbai, files hundreds of RTI applications each year to glean data on the performance of the city's elected representatives. The organization then ranks MLAs and corporators based on this information. In other words, Praja uses government data, procured through a government Act, to hold the government accountable. And it works.

"Government representatives take our rankings very seriously, and have even complained when their rank falls," says Praja's dynamic founder, Nitai Mehta. His organization has moved beyond preparing score-sheets for legislators and even trains them on how best to perform their duties.

Praja's first rankings a few years ago saw an MLA from a party known for violent politics, rank No. 1 on his performance. This year, his rank fell drastically due to a chargesheet against him for assaulting a man. "The MLA actually called us up to complain of the drop in his rank, and tried explaining how he beat up the man in the heat of the moment," says Mehta.

A well-known politician's son also approached them over his father's poor rankings. "We helped him understand the way we rank representatives. He then told us that he, too, was planning to stand for elections, and discussed ways in which he could score well in the Praja ranking," says Mehta. The nonpartisan nature of the NGO has helped win the trust of politicians from all parties.

So what exactly does it rank government representatives on? "We used the Constitution of India as a reference for the role of elected representatives," says Mehta. One of their major roles involves deliberations in the legislature, so Praja's ranks involve the questions asked in the House/assembly. "We not only rank them based on the number of questions asked, but also the quality of questions. An MLA's job is to ask questions on state subjects. So we will give a greater weightage to those who ask questions on the state, and not those of a national nature," says Nitai.

When Praja's rankings showed that municipal corporators were not asking questions, they complained they did not know how to do it. It now conducts training sessions for corporators on how to ask questions.

Praja proves that use of RTI need not pit citizens against the government, but can help the government govern better. "After all, those governing us are citizens, too," says Mehta.

Source: The Times of India, <http://timesofindia.indiatimes.com/In-election-season-netas-keen-to-notch-up-a-good-rating/ileadindiashow/24175149.cms>

16 October 2013

79. Resident files RTI for getting encroachment removed, gets no reply from MC employee

Divya Goyal : Ludhiana, Wed Oct 16 2013, 23:28 hrs

An illegal construction going on in Tagore Nagar, Harbans street has made the lives of the area residents difficult.

However, what is even worse is the struggle of Vimmi Satija, a resident of the same area who took up the cause to get the encroachment removed but only to be left at the mercy of lethargic MC employees who are making her run from pillar to post.

Not only has she been denied even a single reply to the two RTI copies filed in MC Zone D office, despite repeated assurances by senior officials but even MC commissioner Rahul Tewari, additional commissioner Isha Kalia and zonal commissioner Davinder Singh has not removed the encroachment.

Satija met Kalia, who was the then zonal commissioner of Zone D in first week of August with complaint of an illegal construction blocking almost 10 feet of the road in Harbans street, just opposite her home.

"I got original town plan copies and was surprised to see that the opposite plot has an original area of only 387 and half square yards whereas they are actually occupying 460 square yards. Ten feet of encroachment in lane along with encroachment from the front has made the road tighter by 10 feet. This has also resulted in slow movement of traffic," Satija said.

Kalia ordered assistant town planner Rajinder Sharma to get encroachment removed immediately but no action was taken.

Later, on August 22, Satija filed the first RTI application in Zone D office asking for copy of sanctioned building plans on encroached area and other details of the area which was marked to ATP for reply but no reply was received.

Again she filed another RTI application (copies of which are with Newslines) on September 12 seeking the same information along with the name and designation of MC employee who was to provide information and till date even after a month of filing RTI, no reply has been received to any of the applications.

Source: The Indian Express, <http://www.indianexpress.com/news/resident-files-rti-for-getting-encroachment-removed-gets-no-reply-from-mc-employee/1183529/>

17 October 2013

80. RTI activist commits suicide at MP secretariat

TNN | Oct 17, 2013, 02.14 PM IST

BHOPAL: An RTI activist allegedly committed suicide by consuming Celphos (aluminium phosphide) tablets at the state secretariat in Bhopal on Tuesday. Police officials said 42-year-old Rajendra Kumar, a resident of Piplani, was also a whistleblower and the publisher of a weekly tabloid.

After Kumar ingested the poisonous tablets outside the chief secretary's office in the afternoon, he was taken to Hamidia Hospital. He died in the evening.

Kumar's family members, including his wife Rajini and daughter, told the media he was under immense pressure from some influential people against whom he had highlighted irregularities in securing government jobs on the basis of fake caste certificates. "My husband was tortured since 2006, when he accessed details of the fraud through RTI documents," Rajini said. "They even framed him in false cases."

She said Kumar had gone to deposit a form for their elder daughter at a college in the morning. But his phone had soon become unreachable.

A week ago Kumar had filed an application addressed to the DGP at Govindpura police station in the city, threatening to commit suicide if an FIR was not registered against the people who had been harassing him. Kumar alleged apart from being abducted and beaten up, he had faced threats for years from these people — he listed the names of 31 people, including doctors and professors — who had got jobs by producing fake caste certificates.

It was the second suicide at the Madhya Pradesh secretariat in the past five months. On May 27, a teenage girl, Nikita, had jumped to her death from the fifth floor of the Mantralaya building after getting poor marks in exams.

Source: **The Times of India**, <http://timesofindia.indiatimes.com/city/bhopal/RTI-activist-commits-suicide-at-MP-secretariat/articleshow/24289327.cms>

81. TOI IMPACT: RTI website flooded with donation offers

TNN Oct 17, 2013, 12.59AM IST

CHENNAI: A TOI report on two youngsters in Chennai who launched a website to help residents voice their civic grievances through RTI has received support from across the country.

Alex Raj, who started the website, grayfaceofindia.in, with R Saiyasodharan, said nearly 30 people from various parts of the state have shown an interest to work with them as volunteers. A 72-year-old retired employee of State Bank of India has offered 100 every month for them to file RTIs. Many others sent mails promising donation.

The initiative takes complaints from citizens and convert them into RTI applications on the complainants behalf. "We never expected this kind of support from the public. It is also a bigger challenge to live up to expectations and attend to each complaint," said Raj. The website had received more than 100 complaints from the public seeking help in filing RTIs to solve civic issues. Saiyasodharan said, "We are assisting them by drafting specific RTI queries. We don't charge anyone. It is also an opportunity for us to serve people."

The article 'Chennai lawyer, techie turn your woes into RTIs for free' which appeared on October 12 has received several responses from other states too.

"We have received a mail from a resident of Haryana asking for help to start a similar website for him," said Raj.

Rajendra from Kanpur commented on TOI's website: "Hats off to both the young, patriotic Indians. This is another way of serving the nation with pride. Best wishes to you."

The youngsters have filed several RTIs with Chennai Corporation regarding roads, streetlights and solid waste management. They have started an online petition to save the Cooum and the Adyar rivers which are highly polluted because of sewage dumping.

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-17/chennai/43143388_1_rti-website-rti-applications-toi-impact

82. RTI Act proves to be a potent weapon for litigants

L Saravanan, TNN Oct 17, 2013, 01.44AM IST

MADURAI: For the public who were in the dark about the goings-on in the administration, the landmark 'The Right to Information (RTI) Act, 2005,' proved to be a boon. Empowered with the

Act, they could make the officers accountable after getting hold of official information. For litigants who are in the habit of taking the officials to task using public interest litigation (PIL), the RTI has proved to be a powerful weapon.

After the passage of the Act, more and more clients are approaching advocates with information obtained under the RTI Act. They file petitions based on the significant information officially sourced under the Act. As this information carries weight in trials, the party to the petition or advocate starts work two months before filing the case by filing RTI applications. "The RTI Act is a boon for litigants. Prior to the RTI Act, documenting evidences against government and its officials for their failure to do their lawful duty was a laborious task. Nowadays, this difficulty has been reduced because of the RTI Act," said R Gandhi, another advocate.

Official information obtained under the RTI Act is widely used in almost all types of cases, including civil, criminal, service, labour, PIL etc. Sensitive cases seeking transfer of investigation or direction to register FIR or those involving encroachments, the National Security Act or the Goondas Act also use it.

It is seen that many PILs quoting RTI details are granted immediate relief by the court which appreciates the details. "Eighty percent of PILs are filed with information obtained under the RTI Act. Even a client from a remote area comes along with RTI details, which assist the case to be disposed at the earliest. The court also gives immediate relief by appreciating such details," advocate R Alagumani said.

Even prisoners, who have been languishing in jails, have come out of custody by using the Act. For instance, in 2008, the government released some prisoners who were imprisoned up to seven years by giving remission of sentence. Subsequently, four prisoners in Madurai Central prison who were not released though they met the same conditions as the prisoners who were released, filed petitions at the high court bench under the RTI Act. In August, three among them were released after a favourable order from the court. Now, the petition filed by the other prisoner, Velmurugan, is pending before the court, said Alagumani.

Last month, a case was filed at the high court bench with RTI proof stating that some school appointments were made after the intervention of politicians. The court has directed an IAS officer to hold an inquiry in this regard and submit a report.

Source: The Times of India, http://articles.timesofindia.indiatimes.com/2013-10-17/madurai/43143124_1_rti-act-goondas-act-national-security-act

18 October 2013

83. RTI workshop today

TNN Oct 18, 2013, 06.05AM IST

Across the country, response to the RTI Day initiative has been tremendous as readers have flooded us with queries on how to file applications along with stories of their own experiences. In order to help people understand the RTI application process better, there is a workshop being held in the city where activists with indepth knowledge of the RTI domain will be at hand to inform and assist participants. "It's really heartening to see the enthusiasm among people ," says Anjali Bhardwaj of NCPRI, which is partnering the initiative.

The workshop would essentially cover three broad issues. The first in the list is neighbourhood woes like broken roads in the colony, erratic water/power supply etc. Then there are personal issues , specifically pertaining to government documents. These involve matters such as delay in processing of passport application, pension not being given etc. And finally , there are broader issues . Like how funds are being utilized by the area MP or MLA, how overcrowding is being tackled in the city's jails and so on. Bhardwaj says she is hopeful these interactions will help people become more aware about the power of RTI. "The response shows that people are hungry to learn how information can be used to bring about change."

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-18/mumbai/43177551_1_rti-day-personal-issues-passport-application

84. Abetment to suicide case lodged

TNN | Oct 18, 2013, 01.28 PM IST

BHOPAL: A case of abetment of suicide was registered on Thursday, two days after an RTI activist, [Rajendra Kumar](#), had committed suicide by consuming celphos tablets outside the chief secretary's chamber at state secretariat on October 15.

Kumar, 42, who was a resident of Piplani area, had left behind 23-page suicide note in which he gave names of his tormentors-- 33 in numbers-who were making his life miserable ever since he had gathered information on them of securing government jobs on the basis of fake caste certificate.

Jehangirabad police said a case under Section 306 of the IPC, abetment to suicide and 34 of the

IPC (act done by several persons with common intention) was registered on the basis of suicide note and statements of the grieving family. In the FIR, Shailendra Khambra, who is reportedly a doctor and others, were named as the accused in the case.

"The names of other accused would be added as the investigation proceeds and charges levelled get confirmed", said B S Chouhan, station house officer of Jehangirabad police station.

Police have received a fresh letter from the house of the [RTI activist](#) in which he had stated he was forced to withdraw the PIL he filed on the issue of getting jobs with fake caste certificates.

His wife Rajini told TOI that 2006 her husband had brought to light names of 300 persons, who managed to get job using fake caste certificates. Since then he was tortured by them. He was even kidnapped, beaten up, booked in fake cases, put behind bars and was repeatedly getting threats for the past seven years," she added. Rajendra had tried to highlight the issue at every level and had lodged a number of complaints with police, but nothing had happened. Had the police acted on his complaints, he would have not opted for extreme step, said Rajendra's brother Mahesh.

Even a week before his suicide, the deceased had lodged a complaint with Govindpura police in which he stated that he would commit suicide if those giving him every trouble were not booked. Apart from getting booked for abetment to suicide, if it was proved that the accused had managed to get government jobs with help of fake caste certificates would get into fresh trouble as a separate inquiry could be conducted against them. However, the police said prima facie they are investigating circumstances that led to Rajendra opt for extreme step. Apart from being an RTI activist and whistleblower, the he also brought out a tabloid.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/bhopal/Abetment-to-suicide-case-lodged/articleshow/24331369.cms>

19 October2013

85. RTI activists hold protest outside BSNL office

Express News Service : Ludhiana, Sat Oct 19 2013, 05:07 hrs

The Council of RTI activists sat on a dharna outside BSNL office at Bharat Nagar chowk on Friday. They also burnt an effigy of the BSNL general manager.

This came few days after the BSNL employees had protested against RTI activist Rohit Sabharwal.

Sabharwal and Arvind Sharma, both RTI activists, said that they had unearthed scams in the department through RTI and this was the only reason that employees were up in arms against them. The council had unearthed embezzlement in uniform allowance, nexus in transfer policy and instances of bogus bills being signed by employees.

Source: The Indian Express, <http://www.indianexpress.com/news/rti-activists-hold-protest-outside-bsnl-office/1184363/>

86. File complaints about govt. services online

Thiruvananthapuram, October 19, 2013

e-District public portal launched in State capital

Citizens seeking to redress their grievances relating to government services will no longer have to go through the official rigmarole to file their petitions. The e-District public portal, launched here on Friday, makes it possible to submit complaints online from anywhere without visiting an office.

The District Collectorate in Thiruvananthapuram and the Industries Department offices across the State have been integrated into the new service in the first phase. P. Bala Kiran, Director, Kerala State Information Technology Mission, said the online public grievance service would be extended to all Collectorates by the end of November.

“By December 31, we hope to complete the implementation of the service at Vikas Bhavan, the Secretariat, and public offices. All government offices would be brought into the network by March 2014,” he added.

The e-District public portal is bundled with the government’s e-payment gateway, making it easy for citizens to submit the fee for various services using Internet banking, credit card, or debit

card of 66 banks. Citizens seeking information under the Right to Information (RTI) Act will also benefit from the portal. The online RTI service will be available at select offices within 10 notified departments through Akshaya Kendras and the e-District public portal from Friday.

The Departments of Education, Information Technology, Health and Family Welfare, Motor Vehicles, Industries, Urban Affairs, NoRKA-ROOTS, and Finance, the Thiruvananthapuram Collectorate, and the forest headquarters have been integrated into the online RTI service in the first phase.

The service would be extended to all government offices by March 2014, Mr. Bala Kiran said.

Apart from RTI and public grievance, the e-District public portal has online facility for the issue of 23 revenue certificates and payment of fee for various utility services like electricity, phone, and water, motor vehicle fee, police e-challan, and various fees of Mahatma Gandhi University and Calicut University.

To avail of the services, citizens are required to register themselves with the portal using their Aadhaar number, e-mail ID, and mobile number.

The Motor Vehicles Department, Pareeksha Bhavan, and Civil Supplies Department have integrated their databases with the portal, making it possible for government officials to access and verify the authenticity of reference documents such as ration card, driving licence, and SSLC certificate. Minister for IT and Industries P.K. Kunhalikutty inaugurated the portal.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/file-complaints-about-govt-services-online/article5250256.ece>

20 October 2013

87. Voluntary disclosures can cut RTI backlog

Amit Arora | Oct 20, 2013, 06.41 AM IST

AHMEDABAD: Gujarat took a clear lead in implementation of the Right to Information (RTI) Act-2005. Information officers were appointed right down to the village and school levels and training provided. However, as the number of applications increased, the attitude of the government departments and agencies that were expected to provide the answers changed. Now while other states have gone ahead by way of voluntary disclosures and open inspection days, in Gujarat 8,000 RTI applications are pending today, said Pankti Jog. She was speaking at an RTI seminar organized as part of the I Lead campaign to declare October 25 as RTI Day.

The main speakers at the seminar were Harinsh Pandya and Pankti Jog of Mahiti Adhikaar Gujarat Pehel. The event was an eye-opener in many ways. Several of the participants who had already been using the Act as a tool to fight injustice, also got to know about various aspects of the law and had many of their queries answered.

One of the most important revelations to come out of the discussion was that if the government and various agencies followed the suggestion of the Act about voluntary disclosure, and put up basic information on their websites and notice boards, the number of RTI applications filed will go down drastically. This would save the government time and effort and much hassle for citizens.

"Most of the RTI activists killed in India were murdered simply for seeking most basic information. Satish Sethi, Amit Jethava, Lalit, all these RTI activists had asked for information that should have ideally been part of the governments' disclosures," Pandya said.

Over 38 lakh RTI applications have been filed in India so far, Jog pointed out. She added that it is eight years since the law came into being but most government agencies at the Centre and in the states are yet to start **the practice** of maintaining all records duly catalogued and indexed, as required under the rules. No wonder then that up to 40% of second appeals, which are made to the information commission, are about violation of the 30-day time limit rule.

"This is the only law which the government has to follow and the citizenry has to supervise its implementation. Are we doing our part?" Jog asked.

Quotes

I knew about the RTI Act. But this seminar really helped me understand exactly how I can get information from government agencies. I also came to know that I can seek even material samples. As a youth, it's my responsibility to use this law for my country's benefit.

Nikhilesh Udhani | Engineer

I work in a government hospital and we have to deal with RTI matters often. It was good to get some clarity about what kind of medico-legal documents we can actually provide when asked for under the act, and to whom. Unfortunately, the government is yet to establish clear rules in this regard for our department.

Dr Chetan Kumar | Forensic expert

I have dealt with RTI queries while working with the government in different positions. The discussions gave me an insight into how to reply to the questions asked. For instance, we did not know that we can be asked to allow inspection, give samples and models of projects. I'm impressed with TOI's I Lead campaign and support the Youth Brigade.

Mahendra Desai | Govt employee

Citizen's rights

Act includes the right to:

- inspection of work, documents, records
- taking notes, extracts, or certified copies of documents
- taking certified samples of material
- obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode

Govt's duties

The law requires the government to publish organizational details on its own. These include:

- Powers and duties of officers and employees
- Procedure of decision-making process
- Channels of supervision and accountability
- Information on policy formulation/implementation
- Directory of officers
- Monthly remuneration of officers
- Budget allocated to each of its agencies

- Details of subsidy programmes like amounts allocated and beneficiaries
- Particulars of recipients of concessions, permits or authorizations granted

Source: **The Times of India**, <http://timesofindia.indiatimes.com/Voluntary-disclosures-can-cut-RTI-backlog/ileadindiashow/24417107.cms>

88. 'RTI queries can help lift quality of governance'

Oct 20, 2013, 06.29 AM IST

The Right to Information (RTI) Act provides the aam aadmi with a tool to hold the government accountable for its actions. This was the message sent out to participants at a series of workshops on RTI organized by The Times of India on Friday and Saturday. The participants were provided with handy skills on the use and impact of India's transparency legislation.

The workshops, conducted by RTI activist Bhaskar Prabhu, helped participants understand how best to use the RTI Act, a law that has, in the past, been successfully used by citizens to expose both national scams as well as solve the problems in their backyard.

"When you file a Right to Information query, you are, in essence, asking a question to yourself. As a citizen of a democratic country, you are the government," said Prabhu emphatically.

While many in the audience were hoping to solve their personal problems through the use of the RTI Act, Prabhu was quick to point out that RTI is not a grievance redressal mechanism. It can help citizens unearth information on how public bodies function, which, in turn, can improve the quality of governance.

Prabhu helped participants understand the manner in which they could inspect public information, as well as the kind of information they could inspect.

Are private organizations and NGOs covered under the RTI Act? Under what conditions are private bodies included in an Act aimed at transparency in the government? These are a few of the questions Prabhu answered at the workshops aimed at empowering citizens with their right to information.

COMMON QUERIES RAISED AT THE WORKSHOPS

How long should one wait for response to an RTI query?

➤ The public authority should supply information to an applicant within 30 days from the receipt of an RTI application. If the information sought concerns the life or liberty of a person, it should be supplied within 48 hours. If it is sent to the wrong public authority, five days shall be added to the period

(The RTI Act)

Can you file an RTI application if:

➤ You have not received your passport despite several complaints to the relevant authority?

➤ Or, if the police refuses to register an FIR?

Yes, you can

RTI Act makes it mandatory for public authorities to reveal certain information, suo motu, on their web site. Can compensation be asked of those authorities that don't do so?

Yes

(The RTI workshop)

**Oct
25**

On RTI Day, step forward to file a query about issues that matter. This is an I Lead India initiative in partnership with NCPRI

<http://timesofindia.indiatimes.com/RTI-queries-can-help-lift-quality-of-governance/ileadindiashow/24416675.cms>

89. Facility to track RTI cases online

Kochi, October 20, 2013

Progress of cases filed since January can be tracked

Under fire from right to information activists over its 'slow' processing of complaints and appeals, the State Information Commission (SIC) of Kerala has decided to provide online tracking facility for complainants to assess the progress of cases from next week.

Those filing RTI appeals can track the steps taken by the authorities online and also press for disposing of the matter within the stipulated time frame.

“Those filing complaints and appeals before the commission will get unique registration numbers. Typing the same on the commission website, they can track the progress of their cases.

This will end the delay and help the commission sort out the cases within the time frame,” said

K. Rajaram Thampi, secretary of the commission.

According to him, progress of cases filed since January this year can be tracked at the initial stage. Complaints of previous years will come under the facility once they are uploaded.

According to Palakkad-based RTI activist P.M. Raveendran, the RTI Act stipulates that the commission should dispose of a case within 30 days of the filing of the complaint.

“Now, it takes three to four years to get an appeal petition considered. When I approached the commission seeking information on digitisation of land documents in Palakkad, it orally told me to consult the respective taluk officer. Then it took nearly three years to get a reply,” he said.

“There is inordinate delay even in responding to complaints. Commissioner Sony Thegamam has serious health issues and comes to office once in a while. Though Commissioner K. Natarajan’s picture still adorns its website, he was suspended long back from service,” says the Kochi-based RTI activist V.V. Binu.

“This is the eighth anniversary of the RTI Act. It is high time to review the entire RTI process. Though it had made many major gains, the loopholes must be plugged,” he said.

“At the Central Information Commission, each member disposes of at least 30 cases a day. In the Kerala High Court, there are judges who hear about 150 cases a day. However, each State information commission member hears a maximum of four cases a day. They reach office at 11 a.m. and leave by 12.30 p.m. It is high time to make the commission more responsible,” says another RTI activist V. Harish.

Source: **The Hindu**, <http://www.thehindu.com/news/national/kerala/facility-to-track-rti-cases-online/article5253926.ece>

90. Political parties should be covered by RTI Act, says M N Gunavardhanan

Oct 20, 2013, 04.40 AM IST

State information commissioner M N Gunavardhanan said political parties must be brought under the ambit of Right to Information Act as they are essential part of the Constitution and the government.

Gunavardhanan, who made a surprise visit to the RTI workshop organized by The Times of India as part of its I Lead India campaign here on Saturday, said this while addressing the morning session.

"Political parties are not like other non-government organisations. We have parliamentary party in Parliament and Assembly. It is governance by the people, of the people and for the people. Since legislative parties are arms of political parties, how could they not be transparent?" he

asked.

Dr Abey George, assistant professor, Tata Institute of Social Sciences, and also working group member of National Campaign for People's Right to Information (NCPRI), introduced RTI Act and its history to the audience.

George said that framing an intelligent question was important while filing an RTI application as there are possibilities to get single-word answers such as yes, no, don't know, not available, etc. A series of RTI campaigns could be used effectively to take up a social issue. An area-specific RTI campaign could make an impact, he said.

"We can collect samples using RTI. If you want to test the quality of a PWD road, you can ask for a road sample using RTI. Such a collective and continuous activity will finally ensure that all roads are in good condition," he said. He also described about other aspects of the right such as inspection of documents, work, etc.

RTI activist and NCPRI member D B Binu said that having a clear knowledge about the RTI Act makes one more powerful. "For example, some offices deny information citing that the data is available with another department. In such cases we must specify that information must be given under Section 6 (3) of the RTI Act which makes the department to transfer the application to the department concerned and also inform the applicant about the transfer," he said.

RTI Kerala Federation president K N K Namboothiri said more thrust must be given to issues of public interest than personal issues while filing an RTI application. He termed RTI as a people-friendly Act, which could be used as an effective tool to fight corruption.

Peter Myalipparambil, an RTI activist from Kottayam, said an RTI activist can form a one-man army to weed out corruption from the society.

The RTI workshop, held in two sessions, focused on how to use the Act for finding solution to personal issues and how to use it for solving the neighbourhood development issues. The participatory style of the workshop helped to evolve serious discussion between participants and RTI activists.

Vinitha V Nair, a teacher in a self-financing college, came to the workshop to know more about RTI so that she could expose the malpractices by Kendriya Vidyalaya Sangathan on recruitment of teachers.

Vinitha had attended a series of tests before attending the final interview in Delhi last year for the post of a high school teacher in KV. But recently she came to know that KVS has invited

applicants for similar posts without publishing the list of selected candidates of last year's test. Realizing that injustice has been meted out to Kerala candidates for many years, she decided to take the RTI route. In the workshop she met Kottayam-based Paulose V, who is fighting a similar cause through RTI. A taxi driver by profession, Paulose is an RTI activist fighting for social causes. In one of his train journeys, he met a KV principal who informed him that KVS is reluctant to appoint candidates from the South. Soon Paulose filed an RTI application seeking details of recruitment held in the last five years. However, KVS did not reveal the information citing that it did not have the data. Paulose filed an appeal against this. After getting a cold response from KVS, he approached the central information commissioner whose decision is pending on the issue.

Vinitha, who shared her mental agony and personal difficulties at the forum, also got support from NCPRI. NCPRI working group member Abey George said that a series of RTI applications could be filed on the issue to find the truth.

In the afternoon session panelists elucidated on the tantrums thrown by government employees to avoid tricky RTI queries. "When filed an RTI application to find out the cost of aravana production and the profit from its sale at Sabarimala, the reply I got was -- as it is a matter pertaining to Lord Ayyappa, questions of profit and loss don't arise," said D B Binu. He said such hurdles will always be there when one ventures to find out corrupt elements in the government. "But they can be tamed by framing effective queries which is an important part of RTI," said Binu.

Peter Myalipparambil asked the participants to collect citizen's charter from all departments as a primary step for fighting corruption. It is mandatory that all departments should publish citizen's charter.

Source: The Times of India, <http://timesofindia.indiatimes.com/Political-parties-should-be-covered-by-RTI-Act-says-M-N-Gunavardhanan/ileadindiashow/24412837.cms>

21 October 2013

91. RTI users narrate tales of harassment

TNN Oct 21, 2013, 03.44PM IST

BHUBANESWAR: Seeking information under RTI can be hazardous for applicants if recent incidents of harassment of RTI users are any indication.

At a workshop on RTI organized by The Times of India and NCPRI, at SAI International School here on Sunday, participants were enlightened about the essence of the RTI tool. RTI users also shared stories of their sufferings.

Narrating her tale, an RTI seeker Nargis Bahar from Puri district said she was falsely implicated in a criminal case by some government officials when she sought information that might have implicated them.

"In 2011, I had sought information about the implementation of the Integrated Child Development Services (ICDS) in Kakatpur block after learning that food served to the beneficiaries was substandard. I did not receive any reply from the appellate authorities," Bahar said. "In May 2012, some goons attacked me. Apprehending trouble, a government officer lodged a false case of assault against me. I managed to get bail," Bahar said.

Another RTI user, Gopabandhu Chatria from Balangir district, underwent similar hardships.

"I was sent to jail for four days when I sought information about the construction of a check dam in the district in 2009. A former block development officer even tried to gag me through bribe. When I rejected his offer, he falsely implicated me in a case," alleged Chatria.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/bhubaneswar/RTI-users-narrate-tales-of-harassment/articleshow/24485470.cms>

92. Using RTI: Phrase it right

Oct 21, 2013, 02.17 AM IST

India's Right to Information Act is considered one of the strongest in the world, but sadly, public awareness is still low about its provisions. The good news is that citizens in increasing numbers are using RTI for personal benefit or public good.

This information was given by Venkatesh Nayak, co-convener of the National Campaign for People's Right to Information at an RTI workshop in Delhi. "Surveys show that about 40 lakh

people have used RTI so far in India. That's a huge number. In no other country have people shown as much interest in RTI as in India," said Nayak.

The workshop, which is part of the I Lead India campaign, was organised jointly with NCPRI. On the first day of the workshop, presentations were made by experts to a packed audience of young and old alike. The issues covered included the importance of RTI, different sections of the Act, kinds of information a citizen can ask for, how NRIs can file RTIs, and tips for writing the application.

"Do not phrase it like a question," cautioned Nayak. "For instance, to know how many safai karamcharis work in your area, you could ask 'please provide me a list of karamcharis who have been deputed to work in my area' instead of 'how many karamcharis work in my area'," he added.

However, Nayak also said some RTIs do get stuck for unspecified reasons. "One of my appeals has been pending with the CIC for two years now," he said. A participant complained that he had got no results from an RTI filed late in 2005. Another elderly participant had a happier story to narrate — RTI had helped his wife to claim her pension a decade after she retired from service. Besides documents, models, papers, log books, images and some other types of information, RTI applicants can also ask for samples. Amrita Johri of NCPRI said, "For example, if you want to know what materials were used to lay a particular road, you can ask for an actual sample and get it tested." Or you can ask for samples of rice distributed in ration shops. The takeaway message is: RTI is our law, use it or lose it.

Source: The Times of India, <http://timesofindia.indiatimes.com/Using-RTI-Phrase-it-right/ileadindiashow/24452533.cms>

22 October 2013

93. Government launches website to file RTI applications

IANS Aug 22, 2013, 02.48PM IST

NEW DELHI: Citizens would now be able to file Right to Information (RTI) Act applications, first appeals and pay fees online, a statement said.

According to the statement, the online RTI system was launched by Minister of State for Personnel, Public Grievances and Pensions V Narayanasamy. It provides for online replies of RTI applications/first appeals, though replies could also be sent by regular post.

The prescribed fees can be paid through internet banking of State Bank of India and its associate banks as well as by credit/debit cards through the payment gateway of the bank linked to the site, said the statement.

The facility is available for all the ministries and departments of the central government.

Speaking at the launch, Narayanasamy said though the facility has been provided to central ministries, the government would consider extending it to the subordinate and attached offices of the central government.

The minister also appealed to the state governments to consider developing a similar facility of filing online RTI applications.

Source: The Times of India, <http://timesofindia.indiatimes.com/tech/tech-news/internet/Government-launches-website-to-file-RTI-applications/articleshow/21975475.cms>

94. BJP used our documents on Irrigation scam: AAP

HT Correspondent, Hindustan Times Mumbai, October 22, 2013

Even as BJP leaders submitted a 14,000-page dossier to the special investigation team (SIT) on irrigation scam on Monday, a war has broken out over the origin of these documents and the opposition's role in the scam.

Aam Admi Party member Anjali Damania, a whistleblower in the irrigation scam, has alleged the BJP's trip to the SIT office in Aurangabad smacks more of political opportunism than real intent to expose corruption.

"Which of the irrigation documents they [BJP] have submitted have been procured by them? All of them, several availed under the RTI Act by me, have been taken unscrupulously by them. If they were really keen on exposing the scam, they should have moved the court by now," Damania said.

She said even as senior BJP leader like Nitin Gadkari was seen hobnobbing with Nationalist Congress Party chief Sharad Pawar, and BJP MP Ajay Sancheti-controlled companies had won crores of irrigation contracts in Vidarha, the party was claiming to expose the scam.

Sources in the BJP admit that a bulk of the party's documents can be traced to Damania, a public interest litigation filed before the Bombay high court and documents availed under RTI by a former irrigation contractor, which also forms the mainstay of the PIL by an NGO Janmanch in Nagpur.

"We don't think the issue is about who got the documents, and more about exposing corruption," said a senior leader.

NCP spokesperson Nawab Malik said, "These documents are already available with the government, and hence accessible to the committee. This is only a publicity stunt by the BJP."

Source: **The Hindustan Times**, <http://www.hindustantimes.com/India-news/BJP-used-our-documents-on-Irrigation-scam-AAP/Article1-1138259.aspx>

95. Notice to State on inspection of high-rise buildings

Bangalore, October 22, 2013 Special Correspondent

The Karnataka High Court on Monday ordered issue of notice to the State government on a public interest litigation (PIL) petition that said that the authorities concerned had failed to inspect majority of the high-rise buildings in Bangalore as per the law.

A Division Bench comprising Justice K.L. Manjunath and Justice H.S. Kempanna passed the order on a petition filed by Beyond Carlton, a charitable trust started by family members of those who died in the 2010 fire tragedy at Carlton Towers in Bangalore.

The PIL pointed out that the government on July 7, 2011, had issued a notification under Section 13 of the Karnataka Fire Force Act, 1964, making inspection of all the high rise buildings in Bangalore city mandatory. It was to be carried out by the Karnataka State Fire and Emergency Services (KSFES) Department within nine months from the date of the notification.

The notification itself was issued after the State government gave an undertaking to that effect in the High Court in response to a PIL petition filed by Beyond Carlton after the Carlton Towers tragedy.

However, the petitioner, relying on the information obtained under the RTI Act, pointed out that of the about 1,091 high rise buildings in the city, only 79 have been inspected till date. The

petitioner added that the government had not even provided adequate number of staff to the Karnataka State Fire and Emergency Services Department to inspect all the high rise buildings despite the latter's request.

Quoting some of the recent fire accidents in the city, the petitioner-trust urged the court to direct the authorities concerned to inspect all high-rise buildings as per the law and submit a biennial report to the High Court on the progress made with regard to inspecting buildings.

Source: The Hindu,

<http://www.thehindu.com/search/simple.do;jsessionid=ECC03848E34DA09CA72ECAFAAFE89203.route01>

96. Mysore police launch new website, Facebook page

Mysore, October 22, 2013 Special Correspondent

In its efforts to strengthen the police-public interface, the Mysore city police on Monday launched its refurbished website with new features and a Facebook page to enhance public participation.

Retired Additional Director-General of Police Kempaiah launched the website (www.mysorecitypolice.gov.in) and the official Facebook page of the Mysore city police at the office of the Police Commissioner here. Mysore City Police Commissioner M.A. Saleem, Deputy Commissioners of Police Rajanna and M.M. Mahadevaiah, and senior police officers were present.

This is the second website of its kind in the State, the other one being the Bangalore city traffic police's, Mr. Saleem said.

A three-member team has been suitably trained to manage the website. They would handle the website and monitor public feedback continuously. Complaints from the public would be received online and forwarded for suitable action, he told presspersons here.

Mr. Saleem said the status of the Sakala and RTI applications could be tracked through the website. Even the status of passport applications, police verification certificates and firearms licenses can be tracked online. The Police Commissioner said photographs and videos on law and order and traffic management would be uploaded on the website gradually, to increase awareness among the public.

Other features of the website include details on the penalties imposed for violation of traffic rules; activities chalked out by the city police; one-way traffic; and traffic rules and regulations.

According to Mr. Saleem, the Facebook page of the Bangalore city traffic police had over one lakh followers, the highest number of followers for any government department in the State. “We hope to get similar responses for our Facebook page.”

Information technology is being used maximally to address scarcity of manpower. “In the coming days, the tapal system will be replaced with electronic transmission of orders and communications in the police here,” he added. Over 6,000 cases were booked following the inauguration of the automated traffic management system here, Mr. Saleem stated.

Later, he told *The Hindu* that he would personally reply to posts received on the Facebook page besides monitoring queries and complaints received on the website. The telephone number of the police officers concerned would be displayed for the public to follow-up on their cases. “It will be a very transparent system,” he felt.

Compliments

Retired ADGP Kempaiah complimented the Mysore city police for launching the website and Facebook page. He was particularly impressed by the new slogan of the city police (for you, always with you). “I hope the Mysore city police will become a model police force in the State.” He advised police officers to “regulate yourselves before regulating the others; otherwise you forfeit the right of telling others.”

“If supervision from higher-ups is effective, the police officer will be vigilant, thereby benefiting the public at large,” he felt. He advised the police to develop good relations with the public.

Source: **The Hindu**, <http://www.thehindu.com/news/national/karnataka/mysore-police-launch-new-website-facebook-page/article5258131.ece>

23 October 2013

97. Hearing on information commissioners' ends

Hyderabad, October 23, 2013

A Division Bench of the High Court comprising Justice Asthosh Mohanta and Justice D. Seshadri Naidu on Tuesday declared that the arguments are complete in the writ petition challenging the appointment of State Information Commissioners of Andhra Pradesh.

The arguments are concluded in the writ petition wherein the appointment of M. Ratan, Madhukar Raj, Prabhakar Reddy and Vijaya Babu was challenged. The case was filed by C.J. Karira and G. Bhargavi of Hyderabad. It was contended that the letter and spirit of the Supreme Court Judgment regarding the appointment of RTI commissioners has been violated. The Judges heard the arguments at length, perused the records and declared that the judgment will be delivered soon.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/hearing-on-information-commissioners-ends/article5263455.ece>

98. NH 47 turns deathtrap for motorists, pedestrians

Thrissur, October 23, 2013 Staff Reporter

The number of accidents on the National Highway 47 has gone up drastically, according to the information received by an RTI activist of the 'Nervazhi' organisation. As per the information obtained by P.B. Satheesh under the Right to Information Act, 1168 accidents have been recorded on the 38 km stretch between Mannuthy and Karukutty in the last 21 months.

More than one accident had occurred on many days. In all, 252 people lost their lives. Among them 54 are pedestrians. More than 200 pedestrians were hit by vehicles.

The number of people, who continue to be in critical condition and those who became physically-challenged is 1512.

The available data was from January 2011 to September 2013. The data was collected from Ollur, Puthukkad, Kodakara, Chalakkudy and Koratty police station limits.

Seventy pedestrians were knocked down by vehicles while crossing the road at Nandikkara, Puthukkad and Amballur junctions under Puthukkad police station limits. Among them 16 people lost their lives. Fifty of them were critically injured.

Under Ollur police station limits in Kunjannampara, Nadathara, Kuttanellur, Marathakkara and Puzhamballam, 34 people were injured while crossing the road. Of them 10 persons died and 24 suffered serious injuries.

Thirty one people met with accidents under Kodakara police station and the death toll was 11. Twenty five people were critically injured.

At PMG Junction, Potta, Sundari Kavala, Chalakudy Court Junction under Chalakudy police station limits, 24 pedestrians were knocked down by speeding vehicles while crossing the roads. Five of them lost their lives and twenty were injured critically. In all, 37 people met with accidents under Koratty police station limits. In this 12 people lost their lives and 27 were injured critically.

The high accident rate shows that there are no facilities for the pedestrians to cross the road safely on the four-lane Highway, say the local people. Subways or flyovers are absent even at the busy junctions. The traffic signals are not functioning properly at many junctions.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/nh-47-turns-deathtrap-for-motorists-pedestrians/article5263576.ece>

99. AG wants political parties to come under ambit of RTI

Opposes Bill To Overturn CIC Order

Dhananjay Mahapatra TNN

New Delhi: Attorney general G E Vahanvati on Tuesday opposed the bill pending in Parliament which seeks to keep political parties outside the scope of the Right to Information (RTI) Act, raising the prospect that the anti-transparency move may not go through.

Appearing before Parliament's standing committee on departments of personnel, public grievances, law and justice, the AG said the parties should accept the Central Information Commission's June 3 ruling bringing them within the purview of RTI Act, disregarding the argument that it would render political parties vulnerable to harassment or embarrassment. Vahanvati's caution follows growing misgivings among the political class about resisting transparency. BJP had opposed the bill which was brought to negate the CIC order, resulting in the matter being referred to the standing committee.

There have also been indications that Congress vicepresident Rahul Gandhi may oppose the

move as a follow-up to his assault on the ordinance for convicted politicians.

4 MONTHS OF STALLING TACTICS

June 3 | CIC directs 6 national political parties to appoint public information officers within 6 weeks

Aug 1 | Union Cabinet clears amendment in RTI Act to exclude political parties from its ambit

Aug 12 | Bill tabled in Lok Sabha Sept 5 | Referred to parliamentary standing committee Times

View: The attorney general is right when he suggests that the government should not seek to overturn the Supreme Court order on RTI by bringing in a new law. In fact, even political parties should not seek to get the order reversed. Given the extremely low level of credibility that politicians as a class have in India, they must see this as an opportunity to redeem themselves in the eyes of the aam admi. If they willingly embrace transparency, it would help them bridge this credibility gap. If, on the other hand, they choose to fight it, they will only confirm the suspicion that they have much to hide. ‘Tandoor verdict no basis to commute 15 deaths’
New Delhi: The Supreme Court on Tuesday said its recent judgment in the ‘tandoor’ murder case commuting Sushil Sharma’s death penalty to life sentence had no application to petitions by 15 condemned prisoners, who have sought commutation of capital punishment alleging long delay in disposal of their mercy pleas.

A bench of Chief Justice P Sathasivam and Justices Ranjan Gogoi and S K Singh said a criminal lawyer practicing in the apex court had recently argued in the media that the principle enunciated in the ‘tandoor’ case judgment should be applied to petitions by condemned prisoners.

“Tandoor murder case was about quantum of sentence. But in these 15 cases, that chapter is over. It is not about sentencing. This is only about delay in disposal of mercy pleas and whether that is sufficient ground to commute the death penalty to life imprisonment,” the bench said.

Appearing in the lead case — a petition by condemned prisoners Suresh and Ramji who were awarded death penalty for murdering their five brothers – senior advocate Colin Gonsalves said governments were insensitive to the plight of condemned prisoners who waited years, sometimes more than a decade, in solitary cells for their mercy petitions sent to the President and governors to be decided.

“Telegram after telegram had been sent by jail superintendents to the authorities reminding them about the pendency of mercy pleas filed by condemned prisoners and asking whether the date of their execution should be deferred. But there had been no proper reply to these communications,”

he said. Gonsalves and counsel Yug Chaudhry said it was a matter of life and death yet the condemned prisoners came to know about their execution only when the jail authorities prepared for it. “Neither family members nor friends of the condemned prisoners were informed about the rejection of mercy petitions,” Gonsalves said.

“Inordinate delay in disposal of mercy pleas, as laid down by the SC in several judgments, is an important ground for seeking commutation of death penalty to life imprisonment and by not informing the condemned prisoner about the rejection of the mercy petition, the government was playing with an important right,” the counsel said.

Source: The Times of India,

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=TOINEW&BaseHref=CAP/2013/10/23&PageLabel=3&EntityId=Ar00300&ViewMode=HTML>

100. Secret meeting on RTI in Mumbai irks activists

Chetan Chauhan, Hindustan Times New Delhi, October 23, 2013

A parliamentary standing committee holding consultation on amending the transparency law to keep political parties outside its ambit in a secret manner has irked RTI activists.

The committee, to whom the RTI Amendment Bill was referred after lot of public heat, held consultations with political parties in a five-star hotel in Mumbai recently without any prior notice to people about the meeting.

The committee had invited only two RTI activists and another two had reportedly gate crashed at the meeting. However, the standing committee asked the activists not to discuss the deliberations without anyone or they would be booked for breach of Parliamentary privilege.

Former central information commissioner Shailesh Gandhi in a letter to chairman of the committee Shantaram Naik said many RTI activists from Maharashtra had sent representations to the committee and requested an opportunity for a personal hearing.

“It would be very unfortunate if such a closed door meeting with two invitees and their two friends is recorded as a public consultation,” he said, asking him to conduct a properly organised consultation to hear view of the citizens in this regard.

The committee has received a large number of representations from citizens across India against the government’s move to amend the RTI Act to exempt political parties from its purview. A

representation from Commonwealth Human Rights Initiative says that many nongovernment bodies have already been brought under the RTI Act for substantial funding from the government, the ground to including political parties under the transparency law.

The committee is expected to submit its report to the government before the start of the winter session of Parliament in November-December this year.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/news-feed/india/secret-meeting-on-rti-in-mumbai-irks-activists/article1-1138899.aspx>

101. Film on RTI gets tax relief

TNN | Oct 23, 2013, 04.55 AM IST

CHENNAI: A day after a director, who has made a film on the [Right to Information Act](#), alleged that a state minister's personal assistant demanded Rs 5 lakh bribe to clear tax concession for the movie, the commercial taxes department on Tuesday issued the order giving the tax relief.

"I was surprised to receive a call from the department in the evening saying the order for tax concession is ready. I went there and collected the order without paying any bribe," said Mhanukkannan, whose Tamil movie 'Angusam' was scheduled for release on October 25, the RTI Day. The order was issued on the day TOI published a report on the director's troubles.

"I have been regularly visiting the department after applying for tax concession. But Sarath Babu, personal assistant to commercial taxes minister B V Ramanaa, demanded a bribe of Rs 5 lakh for clearing tax relief. I had lodged a complaint with the chief minister's office on October 18 about the delay," he said. Incidentally, the order, though issued on Tuesday, is dated October 18.

Both Sarath Babu and Ramanaa have denied the allegations, saying the director was trying to gain cheap publicity. When contacted on Tuesday, Sarath Babu said he didn't demand any bribe and claimed he had approved tax concession before Mhanukkannan went public with his allegation.

But the delay means the movie will not hit theatres on October 25. "It is difficult to release the film on October 25 because of this delay. I am now planning to release it on November 15," said [Mhanukkannan](#). "I am thankful to the efforts taken by the chief minister in removing all the hurdles for the movie," he said.

Mhanukkannan said the film 'Angusam' (the word refers to a stick used by mahouts to control elephants) was inspired by a real-life incident, in which a youth in Trichy used the [RTI Act](#) to take on a corrupt MLA with help from the district collector.

In [Tamil Nadu](#), movies with Tamil titles and those which contribute to the development of Tamil language, heritage and culture are eligible to get 15% entertainment tax exemption. Another condition is that they should have 'U' certificate from the Censor board.

Elizabeth Seshadri, a city-based advocate who had launched an online campaign for the release of the movie and seeking action against the official, said it was a victory of truth. "I am glad the director has finally got justice. It will also inspire others to come out and raise their voice against corruption."

Source: The Times of India, <http://timesofindia.indiatimes.com/city/chennai/Film-on-RTI-gets-tax-relief/articleshow/24563232.cms>

24 October 2013

102. Escape route to political class from CIC order?

New Delhi, October 24, 2013 Special Correspondent

Panel to look at Supreme Court ruling defining term 'substantially funded' by government

The Parliamentary Standing Committee scrutinising the Right to Information (Amendment) Act with regard to the question of bringing political parties within its ambit will be looking at the Supreme Court judgment in the Thalapalam Service Cooperative Bank Ltd. case in which the term “substantially financed” by the government — the rationale provided by the Central Information Commission for bringing political parties under the Act — has been defined.

Parliamentary Standing Committee on Personnel, Public Grievances, Law Chairman, Justice Shantaram Naik, said the judgment was only incidental to the matter at hand, but Venkatesh Nayak from the Access to Information Programme at the Commonwealth Human Rights Initiative maintained that it opened a window of opportunity to the political class to escape coming under Act.

In the October 7 judgment, a two-member Bench of the Court sought to define the term ‘substantially financed’: “Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist.”

‘Political parties will be happy’

Reacting to this judgment, Mr. Nayak said: “All in all, political parties are going to be very happy reading it as they can use it now to support their claims of being private bodies. However, it must be remembered that as elements constituting a multiparty system which is an inherent part of the basic structure of the Indian Constitution, political parties cannot get away from the duty of transparency as easily as other NGOs.”

In a related development, Attorney General G.E. Vahanvati, deposing before the Parliamentary Standing Committee on Tuesday, said political parties should abide by the CIC’s order.

Premise for undoing CIC’s decision

The proposed Bill under consideration by the Committee seeks to undo the CIC’s decision on the premise that it would open up political parties to petitions regarding their decision-making process as well as expose them to harassment.

On June 3, the CIC directed all six national political parties to appoint public information officers within six weeks as they all have at some point of time received funding from the government.

The CIC directive was opposed by the political class with near unanimity. On the basis of the reaction from across the political spectrum, the government decided to amend the RTI Act but the matter was referred to the Standing Committee in view of public sentiment against the political class's refusal to subject itself to scrutiny, and opposition from some political parties.

Judgment only incidental to the matter at hand: Justice Shantaram Naik

Opens opportunity to the parties to escape coming under RTI: Venkatesh Nayak

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/escape-route-to-political-class-from-cic-order/article5266701.ece>

103. Telecom major yet to pay Rs. 21 lakh fine

Chennai, October 24, 2013 K. Manikandan

Pipelines transporting water were damaged during cable laying last month



The pipelines were damaged by mechanised road cutters —Photo: Special Arrangement

Telecom major Reliance Infocomm, which was responsible for the damage of pipelines transporting water from the dry bed of Palar river while laying telephone cables last month, is yet to pay a fine for the damage. This was revealed in a reply to a query under Right to Information Act.

An enormous amount of water from the sub-terranean Palar river was wasted, resulting in a severe scarcity of water in Pallavaram and Chitlapakkam. Residents initially received contaminated water but stopped getting any at all by the end of last month and early this month. The company was supposed to pay Rs. 21 lakh

Workers hired by Reliance Infocomm had used mechanised road cutters on Tambaram – Mannivakkam – Wallajahbad Road for laying cables for telephone and internet connectivity at the industrial hub of Oragadam. The road cutters ripped off the upper layer of the two-foot-wide asbestos cement pipelines at 13 spots on the road, including Serappananchery, Vanjuvanchery and Padappai. This resulted in a huge volume of water going waste until the main controls in the headworks on the Palar river around Pazhayaseevaram village near Wallajahbad were turned off. Though engineers of Tamil Nadu Water Supply and Drainage Board attended to the problem and plugged the leaks besides replacing the pipelines, residents of Pallavaram municipality and Chitlapakkam Town Panchayat suffered immensely.

Engineers arranged water from Chennai Metropolitan Water Supply and Sewerage Board and also from local sources, including open wells. Once the problem was set right, the Kancheepuram district administration and the district unit of TWAD Board imposed a fine Rs. 21 lakh on Reliance Infocomm.

However, the telecom major is yet to pay the amount, said TWAD Board officials, replying to an RTI query posed by V. Santhanam of People's Awareness Centre, Chromepet. On Wednesday evening, Board officials re-iterated they were yet to receive the amount from Reliance. Mails to the corporate office of Reliance Infocomm did not elicit a reply.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/telecom-major-yet-to-pay-rs-21-lakh-fine/article5266785.ece>

104. RTI seminar today

Oct 24, 2013, 05.40 AM IST

For all those who have been a part of our campaign for Right to Information and given it so much support, here's another exciting event that you should not miss. Starting at 9.30 am today in New Delhi, there will be a panel discussion between leading RTI activists Aruna Roy, Anjali Bhardwaj and Nikhil Dey along with former chief information commissioner Wajahat Habibullah . The topic is one that has been at the centre of much heated debate over the past few

days: Should political parties be under the ambit of the Right to Information Act? The subject taps into two of the most burning issues in public discourse today – the extremely low credibility of the political class and rampant corruption in public life.

To give a brief background, in June this year, the Central Information Commission had held that major political parties were substantially financed by the central government and, therefore, they are held to be public authorities under Section 2(h) of the RTI Act. It also ruled that “the people of India must know the source of expenditure incurred by political parties and by the candidates in the process of election” .

This move towards transparency was immediately resisted by most of the political class. The government tabled a bill in Parliament excluding political parties from RTI’s ambit with the argument that it would hamper their internal functioning and that rival parties may use it for malicious intentions . The bill has been presently referred to a standing committee.

In the backdrop of rising public opinion that the amendment sought by politicians should not pass through since it reinforces the perception that they have much to hide, the discussion today is expected to be a passionate and powerful one.

Oct 25 On RTI Day, step forward to file a query about issues that matter. This is an I Lead India initiative in partnership with NCPRI

Source: The Times of India, <http://timesofindia.indiatimes.com/RTI-seminar-today/ileadindiashow/24628127.cms>

105. Vahanvati bats for partial RTI ambit on political parties

HT Correspondent , Hindustan Times New Delhi, October 24, 2013

The government is in a fix over its bill to amend the RTI Act for keeping political parties out of it, following contrary stands taken by its senior officials and the attorney general before a parliamentary panel.

In their deposition before the parliamentary standing committee on personnel, public grievance law and justice, senior officials, including law secretary BA Aggarwal defended the RTI (Amendment) Bill, 2013, but attorney general GE Vahanvati opposed it.

The government’s view articulated at the meeting on Tuesday was that the June 3 order of Central Information Commission (CIC), which stated that political parties come within the ambit of the RTI Act was not correct.

The officials pointed out that the proposed bill was important to provide protection to the political parties so that their functioning is not hampered by a flood of unwanted RTI applications.

The officials are learnt to have explained the rationale behind the bill introduced in the Lok Sabha during the monsoon session of Parliament. “Declaring a political party as public authority under the RTI Act was not envisaged by Parliament. Further, the political rivals may misuse the provisions of the Act, thereby adversely affecting the functioning of the political parties,” states the bill.

The officials informed the panel that the government has decided to amend the RTI Act to remove the adverse effects of the CIC decision.

In his deposition, Vahanvati is learnt to have told the panel that in case the political parties felt aggrieved by the CIC order, they should have challenged it in court.

He advocated bringing the political parties partially under the transparency law and is understood to have argued that there were sufficient provisions in the RTI to shield political parties from undue harassment by rivals.

Source: **The Hindustan Times**, <http://www.hindustantimes.com/India-news/Vahanvati-bats-for-partial-RTI-ambit-on-political-parties/Article1-1139213.aspx>

25 October 2013

106. PMO denies access to NSA's note

Himanshi Dhawan, TNN Oct 25, 2013, 02.36AM IST

NEW DELHI: The Prime Minister's Office has denied an RTI plea to access a note written by national security adviser (NSA) Shivshankar Menon reportedly calling for a new strategy to get access to data that governments in advanced countries collect by monitoring the use of websites by Indians. The government said disclosure would prejudicially impact India's foreign relations with countries.

The internal note reportedly written by the NSA — "cyber security challenges that India is facing and the way forward" — outlines a strategy on how countries use data and the legal basis for acquiring such data from service providers. The note is also reported to have called for developing standard operating procedures for security cooperation in cyberspace with major IT powers around the globe.

The denial was in response to an RTI application by Commonwealth Human Rights Initiative's Venkatesh Nayak. In its reply, the PMO said, "Your request for a copy of the note reportedly authored by Shivshankar Menon, NSA on the matter of 'cyber security challenges facing India' was considered in the PMO. The CPIO, PMO held that disclosure of the information sought would prejudicially affect the security and strategic interests of the state and relations with foreign states. As such, exemption from disclosure was claimed under section 8(1)(a) of the RTI Act."

Upholding the PIO's order, the appellate authority said the CIC had in a previous order (Nusli Wadia vs ministry of external affairs) said that it was "within the exclusive domain of the ministry to decide and determine as to whether such disclosure is likely to have any impact on India's relations with a foreign state or not. We may only determine whether the public authority in question has arrived at this conclusion after the exercise of due diligence".

CHRI's Nayak said, "While the government is worried about getting access to data about how we use the Internet under the pretext of being prepared to fight terrorism, a very legitimate concern no doubt, in the age of the RTI Act, the government does not believe in taking its own people into confidence to explain what it is doing on this issue."

He has filed an appeal with the Central Information Commission arguing that since the strategy deals with monitoring a common citizen's internet usage and, in turn his privacy, the issue must be discussed in the public domain.

Source: **The Times of India**, http://articles.timesofindia.indiatimes.com/2013-10-25/india/43394094_1_rti-act-pmo-disclosure

107. Mehendale takes over as Goa CIC

Panaji, October 25, 2013 Special Correspondent

'Priority to clearing backlog of complaints and RTI applications'



Governor Of Goa Bharat Vir Wanchoo (first from right) swearing in Leena Mehendale as Chief Information Commissioner at Raj Bhavan in Panaji on Thursday.

Leena Mehendale, former Additional Chief Secretary of Maharashtra, was on Thursday sworn in as the Chief Information Commissioner (CIC) of Goa by governor B. V. Wanchoo at Raj Bhavan.

Chief Minister Manohar Parrikar and other dignitaries were present. Ms. Mehendale will formally take charge of the Commission on Monday.

Ms. Mehendale took over nearly three months after her selection on July 29 by a high level committee headed by Chief Minister. Her selection was approved by the cabinet on August 14. She resigned as Member of the Mumbai bench of the Central Administrative Tribunal before taking over as CIC.

The post of CIC has been lying vacant for more than 15 months and RTI applications and complaints before it are piling up.

Taking charge

Speaking to presspersons after her swearing-in ceremony at Raj Bhavan on Thursday, Ms. Mehendale said her immediate priority would be to clear the pending appeals and complaints at the Goa State Information Commission (GSIC).

She emphasised on training the people to use the RTI as tool of empowerment in the best interest of democracy.

Responding to a question about growing misuse of RTI, Ms. Mehendale admitted that it was indeed happening, but “one should be able to separate grain from chaff”.

When asked how she could function as a single member of the GSIC when a Bombay High Court ruling states that the SIC has to be a multi-member body, Ms. Mehendale said the Supreme Court had clarified later that it could function and as such there would be no problem for her in functioning.

She added that the State government had initiated the process of appointing State Information Commissioners (SICs) and in due course of time they would be appointed.

Speaking to presspersons separately at the Raj Bhavan on Thursday, Chief Minister Manohar Parrikar said, “Technically, we have only one post of SIC for the GSIC. Therefore, we will have to take a decision of the Cabinet to create another post. That would be done and the process for filling up the SICs posts would be taken up in right earnest”.

Opposition

Earlier this week the Bombay High Court at Goa dismissed a writ petition filed by RTI activist Aires Rodrigues challenging Ms. Mehendale’s appointment as CIC. The High Court order observed that the recommendation by the high-powered committee was done in a “reasonably appropriate manner”.

Adv. Rodrigues said he and other supporting activists would approach the people’s Court against the appointment of Ms. Mehendale as CIC. Stating that while the government on one side was clamouring and blowing the trumpet of Special Status for Goa, Adv. Rodrigues and Advocate Rui Fereire said it was despicable that on the other hand the government was ‘importing’ a CIC from Maharashtra.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/mehendale-takes-over-as-go-a-cic/article5270994.ece>
<http://timesofindia.indiatimes.com/city/goa/Leena-Mehendale-sworn-in-as-chief-information-commissioner/articleshow/24681450.cms>

108. Political parties should not be afraid of RTI

Oct 25, 2013, 06.09 AM IST

Should political parties be under the ambit of the **Right to Information Act**? It is a topic that has been steadily simmering in public discourse for a while. It wasn't surprising, therefore, that panelists at TOI's **RTI seminar**, who were discussing this topic, had the rapt attention of the audience. Among the speakers were the country's leading RTI activists Aruna Roy, Anjali Bhardwaj and Nikhil Dey along with former chief information commissioner Wajahat Habibullah.

Nikhil Dey set the tone of the discussion by pointing out that political parties can't escape accountability by saying they're different from the government. "If RTI can apply to government, how can it then not apply to political parties who form the government ?" He added that politicians also know that if they oppose coming under RTI's purview, they would be on the wrong side of history. "No politician says publicly that there should not be transparency although privately many want to scuttle this move."

Anjali Bhardwaj, while listing out the principal objections raised by political parties, said many of their concerns were unfounded and those that were genuine could be addressed under the existing provisions of the RTI Act. "They say it wasn't the original intention of the law to cover political parties. Our contention is that wherever public resources are being used, we have to have information about their funding. Not just financial matters, people also have a right to know how a party has selected its candidates."

She added that parties cannot claim exemption from RTI on the plea that they were already accountable under different laws. "Existing laws don't give all the information that people ought to have. An example is the details of amounts less than Rs 20,000 which are not required to be disclosed but form the bulk of the funding of political parties." As for politicians' contention that their competitive position vis-a-vis their political rivals could be hurt if information was disclosed, Bhardwaj argued that Section 8 of the RTI Act had a provision for this. "Section 8 of the Act says that any information that would adversely affect the privacy of an individual or their competitive position should not be given. This would apply to political parties as well."

Habibullah added that there was no reason why political parties should be afraid of RTI. "On the contrary, it is a good means to regulate information and help them build public confidence in their activities." The former CIC also lauded the RTI Act as being a unique one. "This is a law

that has come up from the bottom. It's not been initiated by the political class. It's come from the people. It should now not be compromised by nitpicking and random exclusions."

The last word on the topic was by Aruna Roy. "Why do we want information on political parties to be in the public domain?" she asked. "The reason is because money controls. No funding of any political party can be without some commitment to those who are providing the funds. Politics today is not separate from economics. If we don't know who funds, we'll never know who controls." She exhorted everyone in the audience to become agents of change.

"Every citizen should send a message to parliamentarians so that they know that people want transparency and accountability. Hamara paisa, hamara hisaab."

Source: **The Times of India**, <http://timesofindia.indiatimes.com/Political-parties-should-not-be-afraid-of-RTI/ileadindiashow/24686716.cms>

109. It's time to reoccupy our democracy

Venkatesh Nayak | Oct 25, 2013, 06.07 AM IST

While admiring people's movements to 'Reclaim the streets' or 'Occupy Wall Street' in protest against glaring inequities in private interest-driven consumer economies, we have often been oblivious to the slow but steady "occupation of our democracy" by political parties. This is evident from the gradual reduction in the number of citizens who get elected on their own steam without a ticket from a political party.

Yet, when political parties portray themselves as private and voluntary associations entitled to the veil of secrecy in order to avoid the gaze of the very people they claim to represent, their intentions as well as their commitment to democracy must be questioned. But for the pressure mounted by civil society and the media, they would have already amended the RTI Act to prevent people from holding them accountable between elections.

Yes, political parties are not agencies of the State but there is no denying they are the instrumentality for exercising the sovereign power to make laws, authorise the collection of taxes and chart the collective destiny of the people. In *Kuldip Nayar vs Union of India*, the Supreme Court recognised this crucial link between political parties and our democracy when it declared that the multiparty system is an inherent part of the basic structure of our Constitution.

A plain reading of the Tenth Schedule inserted in our Constitution to ensure the dominance of political parties over the words and actions of the people who represent us in Parliament makes it

abundantly clear that they are bodies constituted under the fundamental law of the land. A political party is not worth its name and will have no symbol with which to identify unless recognised under the Representation of the People Act. These are the reasons why political parties should be directly accountable to the people and not because of the pittance they receive in the form of free air time to advertise their promises before elections or the public land they use to run their offices or the tax exemptions they claim.

Above and beyond the contributions they collect from the public, political parties have a lot to account for both inside and outside Parliament simply because they claim to be working for the public interest. When the people we elect stall reformatory legislation such as the Lokpal Bill or the Women's Reservation Bill, should not the secretive party whips be subject to public scrutiny? Rather than quietly swallow the humiliation of having to read on the voting machine names of candidates accused of murder, rape, fraud or corruption, should we not have the right to ask political parties why we are called upon to choose from amongst them? Pressing the button 'none of the above' (NOTA) is just a tame acceptance of this effrontery.

By claiming that their rivals would acquire foreknowledge of their political strategies through RTI, political parties bring themselves down to the level of private interest groups, like companies that compete with each other to sell soaps or fairness creams. Keeping them under the RTI Act is the first step towards preventing the corporatisation of our democracy. It is time We The People reoccupied our democracy.

Venkatesh Nayak works with the Commonwealth Human Rights Initiative and NCPRI. The views expressed are personal

Source: The Times of India, <http://timesofindia.indiatimes.com/Its-time-to-reoccupy-our-democracy/ileadindiashow/24686692.cms>

110. You ask, therefore you are

Oct 25, 2013, 06.02 AM IST

Over the last two weeks, it was a slew of online and offline activities, all dedicated to propagating the RTI culture across the country. The I Lead India RTI Day campaign began on October 12, the day on which the Right to Information Act had come into force eight years ago. In an unprecedented initiative, The Times of India held how-to-do-it RTI workshops in 18 cities, from Thiruvananthapuram to Guwahati and Srinagar to Ahmedabad. Hundreds of people

participated in the workshops , held in partnership with the National Campaign for People's Right to Information (NCPRI). The response in some of the cities (Mumbai, Hyderabad, Delhi, Chennai and Bangalore) was overwhelming , while the very organization of the workshop was an achievement in some (Srinagar and Guwahati).

Another major offline activity was a seminar in New Delhi on Thursday, the penultimate day of the campaign. The subject of the seminar, addressed by RTI stalwarts, could not have been more topical : the move to keep political parties outside the ambit of RTI. The Bill meant to dilute RTI for this purpose constitutes the latest threat to what has emerged as the most popular law ever enacted in India. The ongoing battle has given a political edge to the **I Lead India** campaign in which the Youth Parliament initiative was followed by the RTI one. This was no uncanny coincidence; the sequence captured the irony of the political class seeking to undo its own good work, which has just been adjudged as the second-best RTI law in the world.

As a token of its continuing engagement with RTI, TOI also organized a Google Hangout on Thursday with RTI experts Venkatesh Nayak and Amrita Johri . This served to clarify doubts people have expressed on how to leverage RTI for personal and public causes.



The grand culmination of this nationwide exercise is to mobilize hundreds of first-timers to file RTI applications today (October 25). One of its enduring legacies is a website on RTI, complete

with sample application forms and case studies. The initiative, while not being a channel for submitting RTI applications, has emerged as a catalyst and a helpline.

For a law that evolved from the demands raised by the poor in rural areas, RTI has been embraced by people of all segments, lending a new depth to Indian democracy. The I Lead India RTI Day initiative is based on the premise that the citizen's duty to democracy is no more confined to casting a vote once in five years. The engagement has to be continuous : those holding positions of authority have to be held to account all through and RTI is the instrument for it. The message that is spreading is empowering: Do your duty to the country by filing RTI applications on a regular basis, especially on issues of collective importance.

There is a new variant of Descarte's famous quote: I think, therefore I am. As an RTI poster aptly put it, "I ask, therefore I am."

Source: **The Times of India**, <http://timesofindia.indiatimes.com/You-ask-therefore-you-are/ileadindiashow/24686632.cms>

111. Now power is truly in the hands of people: Subhash Agrawal

Saira Kurup | Oct 25, 2013, 05.56 AM IST

With 6,000 RTIs applications under his belt, Subhash Agrawal, 63, is well known for his role in exposing misdeeds and scams in the corridors of power. A cloth merchant in Delhi's Chandni Chowk area, he tells Saira Kurup that the Act has put immense power in the hands of the people

Do you think the RTI Act has even partially fulfilled its objectives?

Yes, definitely. The Act has empowered commoners even more than MPs who get just one chance to quiz the government during question hour. An RTI petition gets three — first, through the PIO, then through successive first and second appeals.

What are the weak links in the implementation of the law?

The weakest links are sections 27 and 28 which give often-misused powers to states and competent authorities to frame their own RTI rules, which are at times in total contradiction to the Act's provisions . These sections must be repealed . There should be penal provisions for first appellate authorities and competent authorities. To prevent misuse of the Act, the fee should be increased to Rs 50, with, say, 20 copied pages of documents provided for free. This fee should be uniform for all states. The Act should also be suitably amended to bring some categories like

multistate cooperative societies, public private-partnerships and all national sports bodies including BCCI under its ambit.

Any advice for fellow citizens who want to file an RTI?

Be short, precise and straightforward in your queries, which should be on neatly typed sheets.

A big problem with the commissions is mounting pendency and delays.

Pendency and delays are mainly because of delayed appointment of information commissioners (ICs). The system should allow for pre-selection of ICs so that they can take charge immediately on retirement of earlier ICs. The administrative system at Central Information Commission (CIC) needs a drastic overhaul to improve efficiency and cut down administrative expenses.

Have you applied for a post in CIC? If selected, what do you plan to change?

I have applied for the post of chief information commissioner. If selected, I will do my best for genuine petitioners, and try to curb frivolous petitioners. Every hearing at the CIC costs a lot. There was a curious case where a petitioner filed 122 cases, but never appeared at the studio booked for video-conferencing. Each time, then CIC Satyanand Mishra had to pass stringent remarks against the petitioner.

Do you consider any particular RTI as your moment of triumph?

Those which got the maximum media attention were about wealth declaration by judges and bringing political parties under the purview of the RTI Act. The practice of declaration of assets by ministers and the President is also the result of my RTI petition.

Another of my petitions revealed that then President Pratibha Patil had made a huge expenditure of Rs 225 crore on her friends and relatives during her foreign tours. Smart cards meant to restrict entry to the Planning Commission's luxury toilets were disabled after a reply to my RTI exposed the practice.

Source: The Times of India, <http://timesofindia.indiatimes.com/Now-power-is-truly-in-the-hands-of-people-Subhash-Agrawal/ileadindiashow/24686535.cms>

112. RTI activist seeks probe into non-allotment of sites

Mandya, October 25, 2013 Staff Correspondent

K.R. Ravindra, RTI activist, has demanded an investigation into the alleged duping of hundreds of teachers and policemen by a land developer who promised them sites.

Complaint

Mr. Ravindra submitted a complaint against ‘Amaravathi Developers’ in Mandya to the Director-General and Inspector-General of Police in Bangalore on Wednesday.

Subsequently, K. Alok Kumar, Inspector-General of Police (Grievances and Human Rights), sought a report on the issue from the Mandya Superintendent of Police Borase Bhushan Gulabrao.

The complainant alleged that the firm collected Rs. 12 crore from the Mandya District Police Housing Cooperative Society and Rs. 7.5 crore from Mandya District High School Teachers Housing Cooperative Society a few years ago.

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

Sites not allotted

Even after several years, Amaravathi Developers had not allotted sites to members of both the societies, Mr. Ravindra charged.

Amaravathi Developers had to purchase at least 70 acres to allot residential sites, but it purchased only 28 acres from farmers, the RTI activist mentioned in the complaint.

“Mr. Alok Kumar (IGP) spoke to me on the issue and asked me to submit a report shortly,” Mr. Gulabrao told *The Hindu* here on Thursday.

Meanwhile, Mr. Ravindra told presspersons here on Thursday that he was planning to file a complaint against the firm owners with the Karnataka Lokayukta under the Prevention of Corruption Act for not allotting sites to members of the societies.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/rti-activist-seeks-probe-into-nonallotment-of-sites/article5270727.ece>

113. Investigate our funds but what about Congress and BJP, asks AAP

New Delhi, October 25, 2013 Staff Reporter

The Aam Aadmi Party has welcomed any probe in its finances but has also demanded that funding of the Congress and the BJP be also investigated. Asserting that its donations are only from Indian citizens, it reiterated its commitment to complete financial transparency.

“No other political party is so transparent about its funding. We put up all donations received on our website. We do not even have one per cent of the fund of the Congress and the BJP but it has something far more valuable — the support, hopes and aspirations of millions of people across

the country and a committed cadre of lakhs of people,” said party spokesperson Aswathi Muralidharan.

“ A petition filed by the Association for Democratic Reforms has been pending for almost a year in the Delhi High Court. Complete documentary evidence has been provided for the foreign funding of the Congress and the BJP from foreign companies like Vedanta to whom various benefits had been conferred by these parties,” she said.

The AAP also mentioned that though a large number of NRIs had offered substantial donations, the party declined those offers since donations from foreign citizens are prohibited under the Foreign Contribution Regulation Act.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/investigate-our-funds-but-what-about-congress-and-bjp-asks-aap/article5270640.ece>

26 October 2013

114. RTI is your fundamental right, use it

Oct 26, 2013, 07.37 AM IST

The questions were earnest, the answers clear-cut and revealing. And that's just what I Lead India's RTI campaign hoped to achieve — to spread awareness about how RTI can be a game-changer. At a Google Hangout held on Thursday at Times House in Delhi, RTI activists Venkatesh Nayak and Amrita Johri answered queries from readers who participated in the event through Google+, Facebook, Twitter and YouTube. It was moderated by Manoj Mitta, senior editor, The Times of India.

The activists gave advice on how to file RTIs, whom to address them to and how to pay for it. The questions covered a wide spectrum — PIOs (public information officers), rations cards, CGHS, CIC, etc.

One question related to board exams — how to get information regarding marks from CBSE. Johri said that if the norms laid down by CBSE on obtaining information about marks do not yield any results, then an RTI can be filed. Nayak added that if the board allots grades only, then marks cannot be disclosed. "Also, don't wait too long to file your RTI as mark sheets are generally kept only for a year," he said.

The activists also advised readers how to deal with ration shops that are suspected to be short-changing customers. Every ration shop has a stock and sale register and an inspection book. Consumers can file RTIs and say that they want to inspect these books. Be sure to go in groups. The experts said that only nationalized banks are covered under RTI. "But you can't ask how much money your neighbour has in the bank," quipped Nayak.

Questions were also raised about the time taken by information commissions to dispose of cases. Johri said this was a lacuna as there was no time-limit for them to give judgments. The activists reiterated that by providing access to information, the government wasn't doing people a favour. "It is a citizen's fundamental right. The government is just a trustee of that information," said Nayak emphatically.

Source: The Times of India, <http://timesofindia.indiatimes.com/RTI-is-your-fundamental-right-use-it/ileadindiashow/24730006.cms>

115. CIC tells govt to reveal names of those nominating Padma awardees

Nagendar Sharma , Hindustan Times New Delhi, October 26, 2013

The Central Information Commission has directed the government to reveal the names of those who recommend individuals for the prestigious Padma awards every year, ruling that such information does not fall within the category of confidential or personal information.

The CIC order has come on an appeal filed by Right to Information (RTI) activist, Subhash Chandra Agrawal, who was denied the information by the home ministry.

“Private individuals or bodies are not bound to recommend names for Padma awards under any law, they do so on their own. The commission is of the view that such nominations/recommendations do not qualify to be confidential or personal information,” the CIC stated in its nine-page order. The home ministry had refused to disclose the names of those recommending nominations and had also declined to give any reason for doing so. On Agrawal’s appeal, the ministry invoked section 8 (1) of the RTI Act, stating that the “name of recommending authority is a personal information and cannot be provided.”

In her order, Central Information Commissioner, Sushma Singh rejected the ministry’s argument. “Needless to that that the Padma Awards are the highest civilian award conferred for distinguished work in various fields..... The respondent have not been able to establish how the names of the persons making recommendations/nominations falls under the category of personal information,” Singh said in her order.

The Padma awards – Padma Vibhushan, Padma Bhushan and Padma Shree are announced on the eve of the Republic Day every year for distinguished service in the fields of art, literature, education, sports, medicine, social work, science, engineering , public affairs, civil service, trade and industry etc.

WHAT THE CIC SAYS

- The transparency watchdog has rejected the government's argument that names of those recommending individuals for Padma awards cannot be made public.
- The CIC has stated that when names of those who are recommended for Padma awards are put in public domain, there is no logic of keeping the names of those nominating them secret.
- The CIC has stated that the government failed to give a convincing argument on how making the names public would affect their privacy and would have any adverse impact on them.

<http://www.hindustantimes.com/india-news/cic-tells-govt-to-reveal-names-of-those-nominating-padma-awardees/article1-1140526.aspx>

<http://timesofindia.indiatimes.com/india/Name-those-making-recommendations-for-Padma-awards-CIC/articleshow/24718826.cms>

116. Empowering aam aadmi

Oct 26, 2013, 07.35 AM IST

NEW DELHI: The tempo built up over the past few days culminated on Friday as hundreds of enthusiasts — young and old, firsttimers and veterans — filed RTI applications across the country. Responding to the I Lead India initiative to become the change that they wanted to see, applicants used RTI Day to file queries on a host of topics that included neighbourhood concerns, civic problems and issues of national interest. In Delhi, RTI applicants gathered at the NCPRI office, a partner in this initiative. "It was great to see many youngsters come forward to file applications after reading about the campaign," said Amrita Johri of Satark Nagrik Sangathan, who co-ordinated the event.

A number of women and inhabitants of slum settlements also exercised their right to information. For instance, Pushpa, a slum dweller from Delhi's Jagdamba Camp, filed a query on the cleaning and maintenance of a large drain passing through her locality. "The drain is a big

health hazard. I want to know who is responsible for its cleaning and if they are following the proper schedule."

Sabina, a student, wanted to know the status of a road under construction in her colony. In her query, she asked for a sample of the contract that had been signed with the contractor. Ayush Kumar, a member of the Gurgaon Youth Brigade, filed an application asking why streetlights in some areas of Gurgaon were not working.

In fact, many Youth Brigade (YB) members used the opportunity to file RTIs. In Thiruvananthapuram, Ayshu B, a YB member sought information on the qualification of English teachers in government-aided schools in Kerala, whereas Viswanath Vaidyanathan, a part of the Chennai YB, drafted queries relating to road safety.

Incidentally, in Chennai, lines between age and gender blurred as enthusiastic citizens came to the TOI office and swapped notes with one another. Most of them had participated in the RTI workshop organized a few days earlier.

Many stayed in the office, helping others draft queries, pointing out the loopholes in their applications, and clearing doubts. "I will not be discouraged even if I don't get a reply. I will keep filing RTIs till there is some change," said A Ibrahim. He had filed an RTI against unauthorised construction activity in his locality, but had not got a reply. "Now I am better prepared. I filed an appeal today."

Source: The Times Of India, <http://timesofindia.indiatimes.com/Empowering-aam-aadmi/ileadindiashow/24729936.cms>

27 October 2013

117. Over 25 complaints filed against police daily: RTI

Sanjeev Singh Bariana Tribune News Service Chandigarh, October 27

More than 25 complaints are filed everyday against the police functioning in the state. A Right to Information Act (RTI) query revealed that these constituted at least 55 per cent of the complaints lodged with the Punjab State Human Rights Commission from 2005 onwards.

PSHRC COMPLAINTS (2005 ONWARDS)			
Year	against police	crimes against women	Total
2005	9,835	523	17,144
2006	8,852	472	15,469
2007	9,410	510	15,800
2008	9,026	518	15,400
2009	8,905	718	16,755
2010	10,338	638	19,266
2011	8,562	653	16,311
2012	9,825	598	18,322
2013	5,781	365	10,562
Total	80,534	4,995	1,45,029

In reply to the RTI filed by Chandigarh

resident Dr Jasdeepak Singh, the commission office has provided details of police cases filed since 2005, when the RTI came into being.

Of the total 1,45,029 cases filed since January 2005, 80,534 pertain to public complaints against the police.

As many as 9,835 complaints were lodged in 2005; 8,852 in 2006; 9,410 in 2007; 9,026 in 2008; 8,905 in 2009; 10,338 in 2010; 8,562 in 2011; 8,925 in 2012; and 5,781, this year.

The RTI revealed that cases related to crimes against women too were high. As many as 523 were lodged in 2005; 472 in 2006; 510 in 2007; 518 in 2008; 718 in 2009; 638 in 2010; 653 in 2011; 598 in 2012 and 365 this year.

Dr Jasdeepak Singh said, "The intention of seeking the RTI on cases of human rights violations was to point out how dissatisfied people were with the police functioning in the state."

Source: **The Tribune**, <http://www.tribuneindia.com/2013/20131028/punjab.htm#1>

118. Bring parties under RTI Act: Chennithala

Palakkad, October 27, 2013 Staff Reporter

Kerala Pradesh Congress Committee (KPCC) president Ramesh Chennithala has said that he personally favoured bringing political parties under the Right to Information (RTI) Act so that there is transparency in their activities.

Inaugurating the 31st State conference of the Kerala Panchayat Employees Organisation here on Saturday, he said in these days of transparency and good governance, political parties should be

open. "They should not work under iron curtain. This will make them more transparent and also help stop political corruption," he said.

He urged the government to appoint the next pay commission for government employees which is due in August 2014. He urged the State government to fully decentralise power and strengthen local self-governments.

Source: **The Hindu**, <http://www.thehindu.com/news/national/kerala/bring-parties-under-rti-act-chemnithala/article5276890.ece>

119. Father-in-law can't access phone records under RTI: High court

Abhinav Garg, TNN Oct 27, 2013, 12.09AM IST

NEW DELHI: The Delhi high court has shot down attempts by a senior citizen to procure call and SMS details of his estranged daughter-in-law under the RTI Act.

Justice V K Jain on Friday set aside a Central Information Commission (CIC) directive to the [Telecom Regulatory Authority of India](#) (TRAI) to furnish the records to the applicant, Yashpal. Yashpal argued that he needed the records to better defend himself against alleged harassment by his estranged daughter-in-law who has filed a slew of cases against his family in court.

"With whom a subscriber communicates and what messages he sends or receives are his/her personal affairs, disclosure of which is bound to impinge on his privacy. The information sought therefore, is exempt from disclosure under Section 8 (1) (j) of the RTI Act," Justice Jain observed while quashing the CIC directive.

HC acted on an appeal filed by TRAI where the regulatory body argued that the CIC order will compromise privacy of individuals since these details would be available any individual will be able to access call and SMS details of any citizen by simply filing an RTI with TRAI. It further contended that the power to call for information or explanation from the service provider can be exercised by TRAI only if such information or explanation is required for discharge of functions assigned to it.

TRAI disagreed with the CIC order asking it to fetch the details from the service provider and said, "to provide details information of subscribers like their names, addresses, call details and copies of the SMSs sent by them certainly are not amongst functions assigned to TRAI under Section 11 of the Act."

HC agreed, observing that if it is assumed that "such information can be requisitioned by TRAI, it would result in a situation where it is able to violate with impunity the fundamental right of a citizen to his privacy, by knowing with whom he has been communicating as well as the contents of the messages sent by him."

Source: The Times of India, http://articles.timesofindia.indiatimes.com/2013-10-27/delhi/43432346_1_cic-order-central-information-commission-rti-act

28 October 2013

120. SIC plea to file review petition

Thiruvananthapuram, October 28, 2013 Special Correspondent

A meeting of the State Information Commission (SIC) held here on Thursday decided to recommend to State government to file a review petition against the Supreme Court verdict that cooperative societies do not come under the purview of the Right to Information Act, 2005.

The court verdict that the cooperative societies which are not getting substantial financial support are not under government control and hence do not come under the purview of the act will have far-reaching consequences. Cooperative rules specify that right for audit and change of governance in societies are still vested with the government. Hence the verdict needed to be re-examined, the commission said.

Source: **The Hindu**, <http://www.thehindu.com/todays-paper/tp-national/sic-plea-to-file-review-petition/article5279925.ece>

121. People say no to bus stand on Kanirowther Kulam

Erode, October 28, 2013 R. Krishnamoorthy

The Supreme Court and High Courts have delivered a plethora of judgements so far supporting restoration of natural water bodies, as per their classification in revenue records.

The judgements have emphasised the role of the State Government in conserving and maintaining water resources.

This being the case, residents of Bharathi Nagar, Gandhi Nagar, Chinnathemur, Periyathemur. Arulvelavan Nagar, and MGR Nagar surrounding the over 15 acre Kanirowthar Kulam near Soolai on the city outskirts wonder how the City Corporation could entertain plans for converting the water body into a mofussil bus stand.

The civic body had replied last year in response to an application filed under RTI (Right to Information) Act by the Kanirowther Kulam Meetpu Iyakkam that the water body conforms to the guidelines advocated by the courts for preservation of its status as a water body.

However, the Corporation Council adopted a resolution later on for transforming the water body into a mofussil bus stand in order to ease congestion in the main bus stand.

The resolution was under consideration for follow-up, a senior official said.

But, the residents around the tank have decided not to let any building to come up on the tank bed.

The Kanirowther Kulam Meetpu Iyakkam they floated two years ago has been making repeated representations to the district administration for deepening of the tank for fresh water storage, and creation of a children's park.

The tank that used to store abundant water four to five years ago during rainy seasons and at times of water flow in the Lower Bhavani Project canal now presents a pathetic sight with overgrown weeds and mounds of garbage, lamented the Iyakkam's Coordination Committee Member Kalaiwendran.

The Movement represents several organisations including Tamizhaga Muslim Munnetra Kazhagam, Iyarkai Vazhvu Urimai Iyakkam, and employee associations of leather industries that surround the area.

Due to the damage suffered by the tank due to lack of maintenance, and absence of adequate rainfall in the last few years, the groundwater level has gone down abysmally, to below 1,000 feet, in the surroundings, Mr. Kalaiwendran said.

The Kanirowther Kulam Meetpu Iyakkam has succeeded in mobilising support of the local residents for protecting the water body. "If officialdom does not heed our protests, we would be constrained to take legal recourse," said Mr. Kalaiwendran.

Residents around the tank have decided not to let any building to come up on the tank bed

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/people-say-no-to-bus-stand-on-kanirowther-kulam/article5279812.ece>

29 October 2013

122. Congress MLA's name removed from complaint

New Delhi, October 29, 2013 Special Correspondent

Delhi Lokayukta Manmohan Sarin on Monday deleted the name of senior Congress MLA Mukesh Sharma from the list of respondents in a complaint filed by a resident of West Delhi against Bindapur Councillor Deshraj Raghav for allegedly owning eight Kerosene Oil Depots (KOD) in a given circle.

The Lokayukta, while passing the order, said complainant Achal Sharma had submitted a file which provides the original RTI response with three lists attached, including the telephone number of the KOD holders in Circle 27. This list shows Mr. Raghav as a shopkeeper and has eight shops.

The Lokayukta said it has been submitted by Vineet Malhotra, advocate for the respondent, that nothing substantial or tangible has been shown against Mr. Sharma either in the allocation of KOD shops except that as per RTI response he was the member of the Advisory or Vigilance Committee. He further submitted that the role of the Advisory or Vigilance Committee comes in the preliminary stage when dealing with distribution of food grains or oil, etc. It does not come at the stage of allocation. Hence, there was no question of the matter being put up before the Committee.

Since the complainant failed to show any cause of action against Mr. Sharma, the Lokayukta directed that his name be deleted from the array of respondents.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/congress-mlas-name-removed-from-complaint/article5283658.ece>

123. Justice deliverance slowing down in Chhattisgarh district, RTI reveals

Kanker, October 29, 2013 Suvojit Bagchi

A series of RTI queries have revealed that only 4.3 per cent of criminal trials end in convictions in south Bastar, partially dominated by the Maoists, compared to a national average of 38.5. The accused individuals – who almost entirely belong to Gond community – are arrested as naxals and spend three to six years in prison in different cases as under-trials before being acquitted by the court.

Meanwhile, the Chief Minister, Raman Singh, while talking to *The Hindu* has said that many tribals are languishing in jails for years and “should be brought out.” RTI queries filed by a group of lawyers have also revealed that the deliverance of justice has increasingly slowed down over the last decade.

Dantewada court, located in the hotbed of Maoist movement, registers maximum cases among district courts where tribals face trial for aiding the red rebels. Any persons arrested in far flung areas are produced in Dantewada court and hence the lawyers chose the same court to authenticate their apprehension that nearly all the accused gets acquitted after spending years in jail. “We wanted to know if nearly all the accused in naxal cases finally gets acquitted or not and the RTI replies revealed that we were right,” said Shishir Dixit, the lawyer who filed the queries. RTI data of cases were collected from 2005 to 2012.

The queries revealed that 95.7 per cent of all sessions trials end in complete acquittal of all accused on all charges, hence the rate of conviction is 4.3 per cent. According to National Crime Records Bureau (NCRB), the national average of conviction rate under Indian Penal Code (IPC) in 2012 was 38.5. Moreover, the conviction rate for crimes under Arms Act and Explosives Substances Act, is also much higher nationally i.e. 61.9 and 52.8 respectively.

While the majority of the tribals are charged under Arms Act and Explosives Substances Act, along with other laws, the conviction rate here is again very low – three out of 425 cases in Arms Act, and zero out of 157 cases in Explosive Substances Act lead to conviction in the past 8 years. The analysis of the RTI data reveals many more facts regarding relationship between judiciary and the tribals, albeit only in south Bastar. For example, 190 cases were started in 2005 and half of those were disposed off that year, while in 2012, only 10 per cent of the cases, instituted in the same year, were disposed off. Further analysis of the data shows that the longest of cases in 2005 lasted for three years. But in 2012, a significant number of 15 cases were disposed off, six years after registration.

“This clearly highlights how the delivery of justice is slowing down in tribal areas, rather than speeding up”, one of the lawyers filing the RTI said.

Number of cases disposed in the period, from 282 in 2005, has also fallen sharply. Data shows that 229 cases were disposed off in 2011, whereas 211 and 208 in 2010 and 2009 respectively. In 2008 only 148 cases were disposed off, while 158 in 2006.

The committee set for reviewing the cases of under-trials in Chhattisgarh jails reviewed “235 cases” till May, this year, according to the head of the committee, Nirmala Buch. She said the committee recommended the Chhattisgarh government “not to oppose the bail pleas of 110 under-trials, of which 63 were cases of naxalites.” However, only a couple of dozens of accused got bail or acquittal since the recommendation was made.

“Those who are arrested for small, petty crimes and in jails for years...(the allegations) should be relaxed and they ought to be brought out of jail. We have discussed the issue with the police chief and the Buch Committee is working on it,” Chief Minister Raman Singh told *The Hindu*. However, he added that a general amnesty could not be granted as proposed by some officials.

“We can grant (amnesty) for all, at the same time. But definitely look into cases one by one,” he said.

Source: The Hindu, <http://www.thehindu.com/news/national/other-states/justice-deliverance-slowing-down-in-chhattisgarh-district-rti-reveals/article5285821.ece>

30 October 2013

124. Officials should document work: NABARD manager

Dharwad, October 30, 2013 Staff Correspondent

Officials should ensure proper documentation of work, to facilitate people seeking information under the Right to Information (RTI) Act, said A.P. Nanda, Deputy General Manager, National Bank for Agriculture and Rural Development (NABARD).

Inaugurating the Vigilance Awareness Week, organised by the Karnataka Vikas Grameena Bank (KVGB) here on Monday, Mr. Nanda said maintaining proper documentation of work would help in the functioning of the institute. As the number of people making use of the RTI Act to seek information was growing, the documentation of work would help. Every official was duty bound to provide information sought within the frame work of the Act, he said.

Bank chairman Ashok Reddy, who presided over the function, has called upon employees to work with integrity in the service of customers. Mr. Reddy administered the pledge to the employees. General manager Suryakant Ganga, marketing manager Ullas Gunaga, and S.N. Malagi, chief vigilance officer, were present at the function.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/officials-should-document-work-nabard-manager/article5287314.ece>

125. Confusion regarding regulations puts law students in danger of losing out on degree

Kochi, October 30, 2013 Staff Reporter

Changeover to integrated dual degree scheme leaves students in the lurch

A group of students enrolled in the five-year LL.B. course of the Ernakulam Government Law College are concerned that they may not receive the B.A.L. (Bachelor of Academic Laws) degree they were told they would get when they enrolled for the course.

All students enrolled in law colleges in the State from June 2011 come under the new system of integrated dual-degrees. Under the new scheme, students are awarded two degrees at the completion of five years of law education – an LL.B. and a second Bachelor's degree. The second degree varies in each college depending on the specialisation it offers. The Ernakulam Government Law College, for example, will grant students a B.A. in Criminology and LL.B. honours at the end of the five-year course.

The new system replaces the earlier procedure of giving students a B.A.L. degree at the end of three years of study in the five-year course and the LL.B. after the fifth year.

The B.A.L. system had been followed in the Mahatma Gandhi University since 1995. However, it was removed abruptly in the 2011-2012 academic year following a request from X semester students of the Ernakulam Law College seeking permission to appear for their final semester examinations without passing the VI semester. To accommodate the demand from the few students, the university removed the system of providing B.A.L degrees at the end of VI semester.

The change was effected abruptly, and not in a phased manner, leaving two batches of the college's students with the risk of missing out on their B.A.L. degrees. The B.A.L. degree was equivalent to a standard Bachelor's degree and students could take up part-time jobs or even drop out to pursue other options after they obtained the degree after their third year.

"Those of us who enrolled in 2009 and 2010 were told we would get B.A.L. degrees when we enrolled. But the university lifted the system abruptly and we were told we wouldn't get the degree any more," said a student in the five-year LL.B. course.

Students said they were not informed of the change either. They came to know about the modified rules only after a student filed an application under the Right to Information Act with the MG University. The reply to the RTI petition informed them that the B.A.L regulation had been lifted from 2011. "B.A.L. has been repealed for the LL.B. (5 year) regular and supplementary examination" said the response which informed the student that he was "not eligible for B.A.L. degree."

The 2009-2014 and 2010-2015 batches of the five-year LL.B. course are thus ineligible for the B.A.L degree, and do not come under the new dual-degree honours system either. Law College principal A.S. Saroja insisted that the two batches of students would be eligible for the B.A.L. and LL.B. once they cleared all 10 semesters.

The University, in its response to the RTI petition, said otherwise. Students are concerned that the confusion will end up costing them a valuable degree.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-kerala/confusion-regarding-regulations-puts-law-students-in-danger-of-losing-out-on-degree/article5287665.ece>

126. Just six banquet halls licensed in Gurgaon, notices to 25: RTI reply

Anchal Dhar : Gurgaon, Wed Oct 30 2013, 00:24 Hrs

Gurgaon's many banquet halls are doing good business this wedding season, with some booked as early as six months ago. However, only six of the city's banquet halls have the mandatory licence from the Municipal Corporation of Gurgaon, according to an MCG response to an RTI query by activist

J S Walia. These are Hotel Fortune, Hotel Baani, Hotel Country Touch, DLF Golf Resorts Phase 5, Lemon Tree Hotel in Sector 25 and Piccadily Hotel.

The reply filed by the district public information officer for MCG further states that as many as 25 banquet halls had been served notices this year, seeking responses on why licences were not obtained. The corporation said illegally operating banquet halls could face strict action under Haryana Municipal Corporation Act 1994. Most of these halls are located on Sohna Road, Pataudi Road, Badshahpur, Daulatabad and Rajendra Park. The status of the rest, according to the MCG reply, was "unknown".

There was no mention of the number of banquet halls operating legally in New Gurgaon in the RTI reply, a copy of which is with Newslines, even though the plea asked for it. "The licensing body for these halls is the MCG. However, there is no mention of the names of 25 banquet halls operating near Sheetla Mata Mandir Road as well as some on Old Gurgaon Road or whether they had obtained licences," Walia said.

Further, the RTI activist said, "In new Gurgaon, the MCG reply shows that only two halls have obtained licences in 2012-13, no other information has been provided. This means that the hundreds of others operating in the city are flouting norms... I have filed a first appeal on information provided so far. What about the halls that have been functioning in Gurgaon for several years?"

Newslines asked MCG Commissioner P C Meena about the status of banquet halls and action taken against the illegal ones, but he refused to comment.

Source: **The Indian Express**, <http://www.indianexpress.com/news/just-six-banquet-halls-licensed-in-gurgaon-notices-to-25-rti-reply/1188862/>

31 October 2013

127. Court upholds appointment of info chiefs

Hyderabad, October 31, 2013 Legal Correspondent

A Division Bench of the AP High Court comprising Justice Ashutosh Mohunta and Justice Dama Seshadri Naidu on Wednesday upheld the appointment of M. Ratan, P. Vijaya Babu, C. Madhukar Raj and S. Prabhakar Reddy as State Information Commissioners.

The Bench was dismissing the PIL filed by C. J. Karira and G. Bhargavi who contended that the letter and spirit of the Act and judgment of the Supreme Court pertaining to principles to be followed while appointing RTI Commissioners were not followed.

The Bench reminded that the person appointed as Chief Information Commissioner or Information Commissioner had to discontinue holding any office of profit or attachment with any political party immediately after the appointment.

It pointed out that the petitioners had failed to place any material on record to demonstrate that there have been any extraneous considerations in the said appointment.

Source: The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/court-upholds-appointment-of-info-chiefs/article5299083.ece>

128. Controversial RTI circular amended

TNN | Oct 31, 2013, 03.28 AM IST

PANAJI: The controversial circular, making it compulsory for RTI applicants to swear their Indian citizenship through an affidavit before a notary when seeking information under the act, has been amended.

Chief minister Manohar Parrikar Wednesday said the government has changed the wordings of the circular and it will now be sufficient for the applicant to declare that he is an Indian citizen in the application when seeking information under the RTI Act.

Proof of citizenship will have to be submitted only if demanded by the public information officer (PIO) or assistant public information officer (APIO).

The amended circular says it is provided in the act that all citizens shall have the right to information.

It is, therefore, clear that PIOs and APIOs, are required to satisfy themselves that the person seeking information under RTI is an Indian citizen before providing information sought under the act, the circular says.

Asked whether other states follow a similar practice, Parrikar maintained that the provision in the law is very clear. "You should read the law properly," Parrikar said.

Justifying his government's decision, he said some foreign nationals in Goa have been seeking information under RTI.

He also rubbished apprehensions raised that henceforth PIOs may delay information on the pretext of asking an applicant to produce documents in support of his Indian citizenship.

There is a judicial procedure to follow in the event a PIO declines or delays to give information within the stipulated period of 30 days. There is also a provision to impose a fine if information is not given on time, Parrikar said.

The amended circular says that at the time of application under RTI Act, if the APIO/PIO have doubts about the applicant's Indian citizenship, he could ask for a copy of passport or EPIC card or any other official document, including a sworn affidavit, to comply with the statutory requirement. It shall not be used as a means to deny information or cause inconvenience to applicants seeking information. Tnn

Applicants can submit any of the following documents to prove Indian citizenship

Copy of passport

EPIC card

A sworn affidavit

Any other official document

Source: **The Times Of India**, <http://timesofindia.indiatimes.com/city/goa/Controversial-RTI-circular-amended/articleshow/24956362.cms>

129. Stir to protest corporator's 'bogus' caste certificate

TNN | Oct 31, 2013, 01.07 AM IST

NAGPUR: Following the failure of district administration and [Nagpur Municipal Corporation](#) to take action against three-time BJP corporator Sumitra Jadhav for submitting a 'bogus' caste certificate, NCP city women wing's president Nutan Rewatkar on Wednesday launched an indefinite hunger strike at Rameshwari Road.

Rewatkar had also lodged complaint with the Caste Scrutiny and Verification Committee (Nagpur division) against Jadhav, a corporator of Prabhag number 66 (A), for submitting fake caste certificate of SC category.

The falsehood was revealed when [Bholanath Narnaware](#), a resident of the locality, procured copies of Jadhav's school leaving certificate and caste certificate under [Right To Information Act](#). The documents revealed that Jadhav, whose maiden name is Lila Jangluji, had obtained the caste certificate after marrying Ashok Jadhav, a resident of Bhagwan Nagar. Demanding Jadhav's disqualification for furnishing fake caste certificate, Rewatkar said an FIR should also be lodged against the corporator.

Source: The Times of India, <http://timesofindia.indiatimes.com/city/nagpur/Stir-to-protest-corporators-bogus-caste-certificate/articleshow/24953512.cms>