

Delhi Right to Information Act Teething problems in implementation

Arvind Kumar

Chhaya wanted to know the rules and regulations governing the operation of Parent Teacher Association in MCD run primary schools. She had learnt that the government grants some amount to every school on per child per month basis and the schools are required to hold Parent Teacher meetings every month. However, no such meetings had ever taken place in the school in her area. She applied under the Delhi Right to Information Act to seek this information. The reply that she received said "PTAs are functioning in schools for providing linkages between the schools and the parents/community." No copies of rules and regulations were provided.

Parivartan an NGO wanted to know the amount spent under each head of expense by the education department of MCD during the Financial Year 2000-2001. The reply said "The expenditure per child comes to Rs 4797.46 p.a. which includes expenditure on salary, construction on buildings provision of basic amenities and mid-day meals etc." The detailed headwise budget was not provided.

Lalit wanted to know the names of the sweepers who clean the drains in front of his apartments in Patparganj in Delhi. Rather than giving the names of sweepers, the names of Junior Engineer, Assistant Engineer and Executive Engineer were provided.

One person in Patparganj asked for the total number of garbage bins in Shahdara (South) zone and the number of loaders available for cleaning them. He also wanted to know the details of the loader used for cleaning the garbage bin in front of his apartments. In reply, he was provided the log chart of the loader for his apartments for the month of February and no other information was provided.

The Delhi Right to Information Act was passed by Delhi Assembly in May, 2001 and it became effective from 2nd October, 2001. About 119 departments of Delhi government have been brought under the purview of this Act through a notification. In each Department, one officer has been designated as a competent authority. Under this Act, any citizen can approach the competent authority and seek any information with respect to the working of that department or take copies of any documents by paying Rs 50/-.

The process of implementation of the said Act has not been very smooth. In December 2001, Parivartan approached three government departments with applications to seek information. These were Delhi Vidyut Board, Municipal Corporation of Delhi and Delhi State Industrial Development Corporation. However, none of the officers or the competent authority in these Departments was even aware of the existence of this Act.

Subsequently, representations by many organizations and individuals led to the Chief Minister calling two workshops for the competent authorities of all the 119 departments in the last week of January 2002. As a result, most of the Departments have put their systems in place to implement the Act. But there were still some departments, in which the bureaucracy tried its best to scuttle implementation of the Act. Notable amongst such departments was Municipal Corporation of Delhi (MCD). MCD continually kept saying that they are a big organization and will take some time to put their systems in place. It is only after a day long satyagraha on March 5th by the public that MCD finally implemented the Act.

The public in Delhi has used this Act in a number of spheres and in very innovative ways. Kailash Goduka stays in an apartments were not working for the last several years. Several complaints were lodged but nothing happened. Ultimately, Kailash filed an application under this Act to know the daily progress report of the complaints made earlier, the names of the officials who were supposed to act but have not done so and likely action to be taken against the officials. Within a couple of days of filing the application, the concerned Assistant Engineer came to meet Mr Goduka. He requested Mr Goduka not to file similar applications in future but to inform him on his mobile if there was any problem. The street lights have since been repaired.

Ashok Gupta applied for a new electricity connection in 2001 but even after continuously pursuing it for over a year, the connection was not granted. Ashok made several visits to DVB office but no one listened to his woes. Those in his area who applied after him got the connections because they had paid customary bribes. Ashok did not want to pay bribes. Ultimately, he filed an application under RTI in February 2002. He wanted to know the progress made on his application till then, the names of the guilty officials who are supposed to provide connection within 30 days of application as per rules but had not done so within a month, the new connection was granted to him.

But the implementation of the Act is riddled with a number of problems. The biggest obstacle is the high fee structure. A person has to pay an application fee of Rs 50 and then a fee of Rs 5 per page of information supplied. For any contract related information, the application fee is Rs 500. This fee structure is very steep. It is simply impossible for the poor people to pay this fee to seek information. When this issue was raised with senior officials, one of them remarked, "Why do the poor people need to use this Act? What kind of information will they like to have?"

Bhalswa is a resettlement colony, and slum dwellers from various parts of Delhi have been resettled here. The people here are very poor and a number of them live below poverty line. They had applied for ration cards eight months ago. According to the rules, a ration card should be issued within 15 days of application. None in the ration card office would even tell them the status of their applications. They wanted to use this Act to know the status of their ration cards. But they did not have the money to pay Rs 50 as application fee. Similarly, the Slum and JJ Department was supposed to provide basic civic amenities to them in this area before resettling them. But the area is without water, electricity, sewerage, drains, schools etc. The residents wanted to see the copies of contracts issued for provision of basic amenities in this area, but again, they are not in a position to pay Rs 500 application fee and Rs 5 for every page of information provided.

Hence it is a wrong notion harbored by a number of officials that this Act has no utility for the poor people. On the contrary, the information required by poor people is far more urgent and necessary for their survival.

The Act provides that if the information is not provided within 30 days or if the information provided is wrong, the officer responsible for providing information will be held personally liable and his salary will be deducted at the rate of Rs 50 per day of delay and Rs 1000 for wrong information. However, it is not prescribed who will impose the penalty, in how much time, will the proceedings for imposition of penalty be initiated suo moto by the Government or on an application from the public, who should an aggrieved individual write to for imposition of penalty etc. All these questions do not have an answer in the Act, which has rendered the penalty provisions ineffective. A number of officials are slowly realizing the inefficacy of this clause and are not providing the information at all. These loopholes need to be plugged soon.