

Report of the meeting held in New Delhi on the 31st of May, 2002 regarding the problems faced by public in the implementation of the Delhi Right to Information Act 2001

A meeting was held at Gandhi Peace Foundation to discuss problems faced in the implementation of Right to Information (RTI) in Delhi. The meeting was organized by a number of NGOs primarily Parivartan, Sajha Manch, Ankur, Hazard Center, NCPRI and Commonwealth Human Rights Initiative. It was attended by over 170 individuals from all walks of life including NGO representatives, representatives of resident welfare associations, slum dwellers, advocates and journalists. It was also attended by a team of Mazdoor Kisan Shakti Sangathan (MKSS) from Rajasthan. MKSS had spearheaded the Right to Information movement in the country.

The following Government officials were present:

1. Mr S Regunathan, Principle Secretary, Chief Minister's Office
2. Mr Ramesh Negi, Competent Authority and Additional Commissioner in MCD
3. Mr N P Singh, Competent Authority and Additional General Manager in DVB.
4. Dr K D Rai, Deputy Director in Administrative Reforms Department.

The following members of the State Council were also present:

1. Mr Shekhar Singh
2. Mr O P Sehgal
3. Ms Deepa Kapur
4. Ms Abha Joshi

The meeting began with the volunteers from MKSS sharing their experiences and struggle in Rajasthan and how this right has been successfully used by them in unraveling corruption in the works carried out by panchayats through the medium of *jan sunwais*.

In order to facilitate discussion, the meeting was divided into the following five themes based on feedback received by the organizers on the types of problems faced in Delhi by people wanting to get information from Government departments using Delhi's Right to Information Act, 2001. Mr Bharat Dogra, a senior journalist, chaired the first two sessions and Mr Shekhar Singh chaired the last three sessions:

1. Problems faced on account of steep fee structure
2. Problems faced on account of multiplicity of authorities and other problems faced in submission of forms
3. Victimization of people who use this right by DVB authorities.
4. Problems faced at appellate stage
5. Problems on account of incomplete information provided, irrelevant information provided, no information provided and penalty not imposed on guilty officials

1. Problems faced on account of steep fee structure:

There was an overwhelming feeling amongst the participants that the fees required to be paid to get information under the Delhi RTI is extremely high and it is impossible for the poor people to pay the required amount to get information. Also it came to light that

in many cases, the high fees was used to discourage citizens from asking for information under the RTI.

The following individuals spoke:

- **Urmil** : She is a resident of Bhalswa resettlement colony and lives below the poverty line. She informed the audience that all residents of Bhalswa slum were relocated from their original jhuggis in Delhi and resettled in Bhalswa which is almost 20 kms from where they used to live. As a result they have lost their jobs and live in extreme poverty. She said that she applied for a ration card in October 2001. According to the rules, a ration card should be issued within 15 days of application but till date she has not received it. She has made several visits to the ration card office to know the status of her application, but no one in the office entertains her. She now wants to know the status of her application under the Right to Information Act but does not have the money to pay the fees of Rs 50 - she said that when she has no money to feed her children where will she get money to pay the DRI fee? She also talked of some women in her locality, who have received the ration card but find it useless as the ration shop in their area rarely opens and whenever it opens, the prices charged by the shopkeeper have no basis and are high. Also, after distributing some material, he says “stock over” and closes the shop again. The people in the locality are convinced that the ration shopkeeper is indulging in bungling and therefore want to know the quantity of material issued to the shopkeeper and also the names of the people to whom the shopkeeper has issued the material according to his register. They also want to know the prices at which he is supposed to sell ration. But again, all of them live below poverty line and do not have the money to pay the fees under the Right to Information Act.
- **Darshna**: She is also from Bhalswa resettlement colony. She said that the area does not have electricity but there is a contractor in the area, who says that he will provide electricity to them if they pay Rs 1200. The residents want to know whether this contractor is authorized by DVB and also want to see the copy of contract. But Rs 500 is required to ask for the copy of contract under the DRTI which they cannot afford.

Darshna also said that a number of electricity poles in the Bhalswa slum area have fallen and some children have got electrocuted. This is because the poles have not been fixed properly. The residents want to see the copy of contract of the work of fixation of poles and want to know how a completion certificate was issued to this contractor by the DVB officers when such a shoddy job has been done. But again, they are not in a position to deposit Rs 500 as application fees.

However, she filed an application under RTI paying Rs 50 to seek information about the pole that had fallen in front of her house. The DVB people came and rectified only this pole and said that they would need to file separate applications under RTI for each pole and would need to pay Rs 50 for each pole.
- **Prakashvati**: Prakashvati has been living in Bhalswa resettlement colony for the last two years. This area does not have electricity, proper potable water, sewer system, drainage system, schools etc. According to her, any enquiries at the Slum and JJ wing does not elicit proper response. The residents want to have a look at the contracts

carried out by Slum and JJ wing in their area till now, what facilities should be existing according to the records and whether these facilities have actually been provided or not, whether these facilities have been provided according to the specifications mentioned in the contracts. But she said that they would need to pay Rs 500 fees for every contract, which is totally beyond their means.

- **Arvind** is a representative of Parivartan. Parivartan helps people in getting their grievances resolved in DVB without payment of bribes. Parivartan collects such consumer grievances and submits them in the office of the Chairman of DVB for their resolution. Arvind said that about 277 grievances pertaining to Laxmi Nagar were pending resolution for almost a year. Parivartan approached the Chairman and sought his personal intervention but nothing happened. Parivartan met the Power Minister, Mr Ajay Maken and the Chief Minister. But again nothing happened. In the first week of April, Parivartan filed an application under the DRTI Act to know the detailed status of each of these grievances, their file movement till now and where were they pending now. In response, Parivartan received a reply saying that Parivartan should deposit Rs 50 per grievance to know the status of the grievances. This would amount to paying Rs 14,000 as application fees to find out the status of the grievances! According to Arvind, this is commercialization of the Act. Is the Act a revenue raising exercise? The DVB officials said to him “How can we give you so much of information for just Rs 50?” Is the Act supposed to turn every department into a shop wherein they have started selling information. According to Arvind, they also say “You have asked for very voluminous information. It is very difficult to provide it.” But Arvind says that this is wrong as all that Parivartan has asked for really is the photocopy of file movement register of Laxmi Nagar district. But the fact is that the DVB office at Laxmi Nagar has lost all these grievances. They do not maintain any file movement register. So, in order to hide their lapses, they have played this game. By asking Parivartan to pay approximately Rs 14,000 as application fees, the DVB has effectively blocked this information, which should have been given in the normal course without payment of any charges. This shows that the information, which was the right of the citizens earlier, is now being denied using this Act. The Right to Information Act has become an Act for not providing information. This practice is now being followed by almost every department extensively. They are rejecting applications and asking applicants to file separate applications for each information sought, thus raising the bill of the applicant and effectively dissuading them from obtaining information.

In another similar case, Parivartan wants to do a social audit of all the works carried out by MCD in Trilokpuri resettlement colony in the last financial year. There were 151 such contracts. Parivartan sought copies of 20 such contracts. These were granted under one application only by payment of an application fees of Rs 500. Next Parivartan sought copies of the balance 131 contracts. This application has been rejected saying that Parivartan should deposit a fee of Rs 500 per contract, i.e. an application fee of Rs 65,000. This is simply absurd. This shows that it is simply impossible to obtain any information under the Act.

- **Debashish from CHRI:** Debashish presented a comparative fee structure of all the states in which the Right to Information Act exists in India. This clearly brings out that the fee structure is the highest in Delhi.

<i>State</i>	<i>Application fee</i>	<i>Per page fee</i>
Delhi	Contract related information: Rs 500 For any other information: Rs 50 Appeal: Rs 50	Rs 5 per page
Rajasthan	Rs 5 per application	Rs 2 per page
Karnataka	Nil	Rs 5 per page
Maharashtra	Nil	Rs 2 per page

This shows that the fee structure in Delhi is totally unrealistic. The Delhi Government fears that non-serious applications will start coming if the fee is made Nil. These fears are totally unfounded and imaginary. The experience in other states shows that nothing of that sort has happened there despite the fees being nil. In fact, on the contrary in Delhi rather than a deluge of non-serious applications, there have been several instances of mischievous and malafide rejection of applications by competent authorities by raising the bill for application fees to several thousand rupees so that it became almost impossible for the applicants to seek information.

- **Nikhil Dey:** From the MKSS talked about how they also had to struggle hard with the Rajasthan Government to get the fees under the Rajasthan Act reduced.

2. Problems faced on account of multiplicity of authorities and other problems faced in submission of forms under the DRTI:

- **Lalit Joshi:** is a Parivartan volunteer. According to him, the MCD has been the most difficult organization to deal with in terms of the RTI. He informed the participants that it was after a satyagraha by Parivartan volunteers that MCD implemented the Right to Information Act on 5th March 2002, exactly 5 months after the Act came in force. To begin with, there was one competent authority to handle RTI matters in MCD i.e. Mr V.S. Sharma. But MCD had a very dismal record of disseminating information which is clear from the fact that out of a total of 32 replies received by Parivartan till now from MCD, 21 were bogus and are in appeal. However, now to compound the situation, the Delhi Government has recently notified *eight* competent authorities in MCD which implies that now, it is simply impossible to submit any application form using DRTI in MCD as the eight competent authorities treat an applicant like a foot ball and toss him/her from one room to another with none of them ready to accept the application. This problem is further compounded by the nature of command structure in MCD, for instance, the officials of sanitation department report to their Chief Engineer as well as to their Zonal Deputy Commissioner. Therefore, a particular zone falls under one competent authority but the sanitation department falls under another. So, if an applicant wants to file an application related to sanitation issue in some part of Delhi, say Shahdara, the competent authority dealing with sanitation will send him to the competent authority dealing with Shahadra zone and vice versa. The applicant keeps running around. He is made to visit the MCD office several times with no solution in sight.
- **Anant Trivedi:** wanted to file three applications under the RTI in MCD. He waited from 9:30 am to 5:00 pm to submit the applications. He was told that in MCD there

are eight competent authorities and was sent all day from one person to another. It was only at 5:00 pm that his application was accepted.

- **Colonel Sharan:** works for Crime Free India. He is a senior citizen, who retired from the army. He talked of how his man was sent back thrice by the staff of Mr V S Sharma in MCD on the pettiest grounds like there is a cutting in the form etc.

3. Victimization of applicants under the Delhi Right to Information Act:

This emerged as an extremely important topic as fear of victimization could seriously threaten the effectiveness of the DRTI.

- **Manoj Jain:** is a DVB consumer. His supply was disconnected in July 2000 for non-payment of dues. In March 2001, he paid up all the dues. But the payment was not credited to his account. As a result, his supply was not restored. He kept making pleas with them that he had already cleared his dues and his supply should be restored, but no one listened to him. Ultimately, he filed an application under Right to Information Act in March 2002 to know the status of the payment made by him and why it had not been credited to his account. Since his supply had been disconnected almost a year back and was not being restored despite repeated representations, he was left with no option but to steal electricity as one cannot live without electricity. Interestingly, during all the period when the supply was disconnected, he still kept getting bills from DVB, which he has paid. After he filed his application under RTI, a team of DVB first reached his shop. When they did not find anything amiss there, they reached his house, where he was stealing electricity and raised a theft bill of Rs 15,000. He was clearly told by the concerned Assistant Engineer, Mr Sharma that the raid was taking place due to his application under RTI. Manoj has paid the theft bill, though it is none of his fault.
- **Ajay:** Ajay filed an application under RTI. After a couple of days of filing the RTI, according to Ajay, the Assistant Engineer of the area came to his house and started inspecting his meters. He said, "You are doing your practice from your house. You will be charged with misuse of electricity." Ajay informed him that he already had a commercial meter. Then he directed Ajay to get all his electricity bills saying that, "You had filed an application under Right to Information. We have come for the enquiry of the same." This shows the attitude of the officials. They are trying their best to browbeat and threaten the applicants.
- **Rajeev** from Parivartan: The volunteers of Parivartan stand at the entrance of DVB office at Nand Nagari district everyday and exhort consumers not to pay bribes inside but to use the DRTI Act to get their grievances resolved. As a result, a number of consumers have filed applications under this Act in this district. The Executive Engineer of Nand Nagari district is quite disturbed by the rising number of such applications. He has called Parivartan volunteers several times and coaxed, cajoled, requested and threatened them to desist from encouraging people in large numbers to file applications under this Act. He has openly threatened several times that he will raid the applicants. He carried out his threats last week. Two people were raided in Nand Nagari district. The Assistant Engineer, who carried out the raids told one of the consumers that the raids have been carried out due to their filing application under

RTI. Whereas this fact cannot be denied that these consumers were stealing electricity and should have been raided but if the raids were carried out not because they were stealing electricity but because they filed applications under RTI and in order to bully them not to file any more applications in future and in order to send a signal to other consumers in this area, then, this is a heinous practice and should be prevented under any circumstances.

4. Problems faced at appellate stage:

The problem highlighted on this regard was that in case of dissatisfaction with respect to DRTI, the only recourse is making an appeal to the Public Grievance Commission (PGC). However if the citizens are not satisfied with the PGC decision, they cannot go anywhere else. Also there is nothing that can be done in case the decision of the PGC is not followed by the Government Department in question.

- **Ajay:** According to him, the wires in his locality were replaced last year but some streets were left out. Ajay said he smelt mischief and sought to know the scope of work of this contract. In reply, he was told that the wires were replaced wherever they were found defective. As this was not a reply to Ajay's query, he filed an appeal. It was ordered by the PGC that the detailed scope of work should be provided to Ajay within 15 days. He says that it has been more than 21 days since that order but he is yet to receive the same. Now, Ajay does not know where to go after so much of efforts and waste of money. The Act is silent on this issue.
- **Arvind:** Parivartan has filed several appeals till now with PGC. The Act provides that the PGC will endeavor to dispose off any appeal within 30 days, but this has never happened. Almost none of the appeals are disposed off within this time limit. At the moment, there are about 21 appeals of Parivartan lying pending with PGC out of which in about 12 cases, 30 days are already over with no intimation from PGC whatsoever.

5. Problems on account of Incomplete Information provided, Information provided has no correlation with information asked, no information provided and penalty not imposed on guilty officials:

It emerged from the discussions that this is an extremely serious problem related to DRTI as people have to go through a great deal of harassment and spend time, effort and money to ask for information and at the end of the process they are provided information which is either incomplete or has no correlation to the information asked.

- **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 was totally irrelevant and said "PTAs are functioning in schools for providing linkages between

the schools and the parents/community.” No copies of rules and regulations were provided. Mr Ram Singh from Action India also related similar problems with respect to receiving incomplete information regarding education in MCD schools.

- **P. S. Sharma:** wanted to know the names of the sweepers who clean the drains in front of Navkala Apartments in Patparganj. Rather than giving the names of the sweepers, the names of Junior Engineer, Assistant Engineer and Executive Engineer were provided.
- **Manish Sisodia:** Parivartan wanted to know the amount spent under each head of expense by the education department of MCD during FY 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.
- **Veena Arora:** 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 Navkala apartments. In reply, he was provided the log chart of the loader for Navkala Apartments for the month of February and no other information was provided.
- **Rajeev:** who is a volunteer of Parivartan said that he wanted to know from the Social Welfare Department the details of all the schemes run by the Department, copies of all the forms, how a person can apply under each scheme, how is the selection made etc. The application was filed in March but till date the reply has not been received. Parivartan representatives have made at least 8 visits to the Department but every time the officials in the Department insist that Parivartan should try and cooperate with the Department and should forget about the application. They insist that all the information will be provided unofficially. Parivartan wrote a letter to the competent authority objecting to such insistence by the officials and requesting that the information be provided officially. But till date, neither the information has been received nor any reply to the letter has been received.
- **Arvind:** According to him, Parivartan sent letters to the competent authorities in DVB, MCD and Social Welfare Department to start the proceedings for deduction of salary of the officials who had not provided information in time under the Act. Specific cases of violations were brought to their notice. But no action has been taken by them in any of the cases. He said that in one of the cases, it was proved before the PGC that the information provided was false and the concerned official in DVB had willfully provided false information. It is not clear whether any action is being taken against that official for providing false information.
- **Leena from Sajha Manch:** A representative from Sajha Manch said that they had applied to various departments including DVB, DJB, the slum department etc for information under the DRTI. However, the information received from all departments was incomplete and/or such that it had no correlation to the information asked. For example, in the DJB they asked for the policy relating to the supply of water to the slums and they received as a reply two small irrelevant paragraphs and to their question of amount of money spent on tankers to supply water to slums, they were given a table with figures without specifying the unit whether the unit was thousands or lakhs etc. Similarly DVB refused to give them the names of defaulters in Delhi stealing electricity.

Response from government officials:

Mr N P Singh, Additional GM, DVB : In response to the discussions held, Mr Singh said that the DVB has been the first to implement the DRTI Act and has never given any excuses for not resolving grievances or supplying information. He promised to take care of the problem of citizens having to wait for a long time to submit RTI forms. He said he will ensure that forms are accepted quickly (within half an hour). He also gave the statistics of the total number of applications received and those disposed. He said that he was extremely disturbed to know about the victimization of citizens by the DVB employees. He said that if he was provided specific information, he would take strict action against them after investigation.

Mr. Negi, Additional Commissioner, MCD: said that given the fact that MCD deals with almost all walks of life of citizens, it was natural that the grievances against the MCD were many. He said that RTI implementation was a problem in MCD because:

- i. Record keeping is poor in MCD
- ii. There is no computerization of records in MCD
- iii. Training of MCD employees is poor

He said that one solution being considered to the problem of multiplicity of authorities dealing with RTI in Delhi is that in each zone the Deputy Commissioner be made the competent authority and he be responsible for accepting all forms related to all departments within the zone. Questions related to policy and other larger issues would then be dealt with by the Additional Commissioners. He said that since awareness about RTI has not percolated to the lower ranks of officials in the MCD, training will be imparted to them. He requested people to ask specific questions and not ask opinions but information under the RTI.

Dr K D Rai from the Administrative Reforms Department : said that he had made note of the suggestions emerging from the meeting and would bring it to the notice of the Delhi Government.

State Council members : Mr Shekhar Singh spoke on behalf of the State Council members at the end of the meeting. He appreciated the issues raised in the meeting and endorsed the suggestions made to address them. He assured that the members of the state council present in the meeting will bring all these issues to the notice of the government and will urge the government to implement the solutions, which emerged in the meeting.

Citizen's Council:

At the end of the meeting, a Citizen's Council on Right to Information was formed. The participation in this Council would be open to representatives of NGOs, resident welfare associations, trade associations or any other type of associations. This Council will meet every month and discuss the problems faced by the public in the implementation of the Act, the strategy to be adopted to get these problems redressed from the government and also to educate the masses on the provisions of the Act.

Lastly, the participants unanimously passed resolutions emerging from the discussions in the meeting. The resolutions agreed upon are annexed herewith.