

Volume 1, No. 1

March 2006

Transparency Review

RIGHT TO INFORMATION
The Journey Begins

CENTRE FOR MEDIA STUDIES

A CMS Initiative

With Right to Information Act (RTI), good governance should no longer be a distant dream for millions of Indians. If the potential of the RTI could be unleashed at all levels of administration and in all public services, we could truly achieve newer heights in our endeavours for a more equitable society, a truly welfare State and for more productive enterprises. But all this is possible only if there is transparency in our policies, operations, services and their implementation.

It is with this belief, that CMS has initiated the Transparency Studies Unit as a part of its ongoing endeavour for good governance and a more responsive one at that. At CMS we intend to enable more people to avail the RTI Act to enrich their families and communities. As an independent body, CMS proposes to periodically track and review implementation of the Act in various parts of the country, using objective research methodologies and sensitizing civil society. With annual national surveys on corruption in public services affecting common citizens, CMS has been engaged in making good governance a more serious concern. Among other important issues CMS is regularly publishing data on Corruption in India.

We seek support of many other concerned activists, academicians and administrators in this endeavour. At CMS we hope the dreams of Ms. Aruna Roy and other associates who spearheaded the Right to Information movement in the country will be realized faster. This Transparency Review is a small step in that direction. I thank Shri. Ajit Bhattacharjea for overseeing the work of the Transparency Studies



P. N. Vasanti
Director, CMS

Transparency Review

RTI OBSTACLE RACE

This first issue of Transparency Review focuses on the initial impact of the Right to Information Act of 2005, an Act with revolutionary potential. For it seeks nothing less than to transform the culture of secrecy inherited and maintained by the government from colonial times to the culture of administrative transparency required in a truly democratic society. Some disclosures made since the Act came into force in October justify expectations that it can be an instrument for radical social change; but obstacles raised by large sections of the bureaucracy indicate a last-ditch action to maintain the traditional walls of secrecy. Continuing pressure will have to be exerted by civil society to demolish these walls.

Many of the significant changes brought about by the Act are at the grassroot level and do not come to public attention unless publicised by the media. Often the threat to utilise it is sufficient. The children of adivasis and other communities living below the poverty line in the remote Kalol taluka in the Panchmahals district of Gujarat, for instance, were being charged fees although they were supposed to get free school education. Aslambhai, a local citizen who had been trained on how to use the Act, submitted a formal request for information to the Principal and secured an assurance in writing that no fees would be charged. Hundreds of poor children are the beneficiaries. It took more pressure and effort by Aslambhai to force the Deputy Mamlatdar of the Taluka to open his office on working days to enable villagers to obtain ration cards and other official documents in time and avoid touts.

Even before the national Act came into force, State legislation in Maharashtra and Delhi showed what could be achieved by vigilant citizen groups. Parivartan's success in countering the ration shop mafia in the national capital is described in an accompanying article. Parivartan has also used documents secured under the Delhi Act to block a World Bank water distribution scheme. The Maharashtra Act enabled Sunetra Deolas, a 62-year-old Thane grandmother, secure information on misuse of a plot meant to provide housing for Dalits after filing 32 applications and meeting

bureaucratic resistance. Eventually, however, two stone-walling officials were actually fined, one Rs 41,250, the other Rs 6,000. Citizen groups have been particularly active in Maharashtra.

In many States, however, the authorities continue to place obstacles in access to information and citizen groups have failed to put pressure on them. Although several weeks were provided to State Governments to prepare for implementation of the national Right to Information Act in October, they are delaying making adequate arrangements and raising procedural obstacles. Shekhar Singh, convener of the National Campaign for People's Right to Information (NCPRI), lists some of the problems on another page.

Much will depend upon the Central Information Commission. Chief Information Commissioner Wajahat Habibullah made a good beginning by turning down the Prime Minister's move to exclude file notings from disclosure under the Act. The Commission has issued instructions to meet some complaints placed before it. Some of its rulings have also overcome efforts to maintain secrecy. Among the officials who have incurred its displeasure in the Registrar of the Supreme Court for prolonged delay.

But the experience so far is that achieving the far-reaching social objectives of the Right to Information Act will require sustained education and pressure by civic groups and the media. Individual citizens will find it hard to overcome the hurdles put up by an entrenched bureaucracy unless they band together.

CONTENTS

| | |
|-------------------------------|----------------------------|
| Aruna Roy | The journey begins |
| Shekhar Singh | A preliminary audit |
| Ajit Bhattacharjea ... | Hamara paisa, hamara hisab |
| Arvind Kejriwal | The Parivartan operation |

Orders of the Central Information Commission
Media Guide to the Right to Information Act, 2005.
User's Manual.

Editor : Ajit Bhattacharjea

THE JOURNEY BEGINS

Aruna Roy

Six months into the implementation of the National Right to Information Act, we have stories of successes and failures, debates and complaints coming in from all parts of the country. Active e groups analyse the various sections, sub sections, rules and rulings of the Commissioners of Information. Trainings and social audit processes, meetings, seminars, reports, campaigns, and debates in the legislature and in the media around the RTI are now regular occurrences. There is an ongoing debate about the hopes of the RTI Act has kindled and the deliberate attempts to scuttle its scope. In the debate about whether the national law will change the way our democracy functions or whether it is just a piece of paper, it is crucial that we take into account the foundations on which this law has been built.

This decade of struggle and the use of the right to information in India, has been an interesting dialectic between legislative entitlements and their implementation. The the process has demonstrated the power of democratic participation of people in policy making and the delivery of services. It has been a long journey from the early days of asking to see the muster rolls for payment of minimum wages, to the current debates on the disclosure on file notings. This journey itself is significant and should lead us to understand that the passage of the national law is only one important phase in a continually evolving democratic process.

When minimum wages continues to be denied to workers who put in more than 8 hours of work on government works in Rajasthan, the people were forever struggling to prove that they were right. The administration continued to speak of 2 versions to the truth. Documents became vital to prove work done. Muster rolls and bills and vouchers became important documents which were classified as secret by the local administration, endorsed by the whole bureaucratic chain. When they did eventually come out, there were dead people's names on the muster rolls and dearly verifiable fraud in the bills.

This small but significant demand for copies of bills, vouchers and muster rolls, in village panchayats in central Rajasthan, triggered off a campaign for transparency and accountability in the use of public funds..

When Sushila was asked by reporters and others in Delhi in 1997, why she needed the Right to Information, particularly as a semi-literate village woman from rural Rajasthan, , she said, "When I send my son to the market with ten rupees, I ask for accounts. The Government spends millions of rupees for the poor. "Is live - Mera paisa, mera hisab"... My money , My accounts !

The RTI has come as a simple tool to a people, fed up with the corrupt mismanagement of the ruling classes. The people need to know everything that is being done in their name. A democracy gives us that basic and inviolable right. If nothing else, we must at the least call the bluff of the hypocritical assurances made at the time of election, in assemblies and in Parliament; invoke the rights we gave ourselves when we framed the Constitution.

When the people of Janawad applied to the Collector in 2001 to verify the numbers of ghost works painted on the Panchayat Board as required by the Rajasthan, RTI Act 2000, it took them one year to access the records. The Gram Sewak, ran away with the records and filed a writ in the High Court, in the dramatic finale! It was difficult to believe that the Administration did not know about it.

What sent the administration into a panic about Janawad, as elsewhere, was not questions about budget allocations, but the details of a check dam billed thrice, a 25 year old Sub PHC billed afresh, the Veterinary hospital on the first floor, the non-existent roads - a long endless list of non-existent works. This is all old hat, but the freshness of this exercise was in the verifiable details of fraud, with a list of persons who under wrote the fraud, with signatures and seals !

When we see what is going on in the name of governance, many of us feel a great disquiet. There has been a range of reactions from common people- from a desire to plug ears, close eyes and running away - to armed revolution. This is how irate people have lodged their protest. The frustration of facing injustice and inequality has a history down the ages. These questions in a generic term are not new. It is the rephrasing of the right to know what rulers and the ruling classes do, in small details in unexpected and seemingly innocuous places that has made a huge difference.

The people of Maharashtra refused to accept a weak Act that the State legislature first passed. Through a series of agitations they ensured that the Act was repealed and replaced with a far stronger RTI Act. The Maharashtra campaign served as an inspiration to the national effort to have effective legislation. The weak and ineffective Freedom of Information Act 2002 has been replaced with the far more powerful RTI Act 2005.

The bureaucracy that was resisting notifying the earlier Act has found its effort boomeranging as it has been compelled to implement this Act within 120 days of it being passed by Parliament, as part of the provision of the Law

It is not just a question of expenditure but also of policy and implementation. We need to know how the ruling elite manage or manipulate our lives through democratic institutions, national

governments, international agencies and a plethora of structures. Without knowing the details, we are and will increasingly, be at the mercy of plans to restructure our lives fundamentally, by a system and many systems to which altruism is only a veneer.

Delhi 2004-2005. The Delhi Right to Information Forum and the Right to Water Campaign accessed over 4000 pages of documents under the Delhi RTI act to unearth the facts of World Bank pressure on the Delhi Jal Board to institute a particular model of water reforms. The Delhi experience not only demonstrated the importance of information in the public domain to enable citizens to effectively participate in making choices, but also illustrated the importance of file notings and their vital role in understanding the process of decision making. This has helped make the current debate on disclosure on file notings more meaningful. It has also helped build an effective constituency for ensuring that they be not exempt.

Despite a strong national law, violators have not only been officials but governments themselves. There are at least 10 State governments which have not appointed Information Commissioners, a large number of offices do not an idea about who their Public Information Officers are. Citizens trying to get information are sent from pillar to post to deposit their application fee. Several State Government have notified rules, with provisions in blatant violation of the Act. This has led many people to feel that the law is still born!

But there are many counters to this to demonstrate how potent the law can be and how ordinary citizens can use it to ensure accountability. We go back to Beawar- the same area in central Rajasthan where the demand for muster rolls was denied outright only ten years ago

In 2005 , on the 13th of October, After the National RTI Act was passed and implemented, Kaniram a 70 year old man, entitled to grain under the Annapurna programme, saw a group of people getting together to file applications for information in Beawar. He joined the group and filed an application, demanding to know why he had not got grain for the last year. Not only did he get the backlog in under a week, but he got coupons for the next six months and the copies of the records he had asked for.

The Central Act provides for a penalty of Rs 250/- per day of non-compliance on the official responsible for it. To be paid from his, or her pocket ! This has led to officials providing information and drafting replies to people they would not even have acknowledged. There is a desperate attempt to meet the 30 day deadline and the people of this area, have had their first taste of accountable governance. In a country like India this is a huge step forward for democratic practice.

A PRELIMINARY AUDIT

Shekhar Singh

(Convenor, National Campaign for People's Right to Information)

The Right to Information (RTI) Act of 2005 came into force from 12 October 2005. Despite it being in force for over five months, many of the institutions and processes required to make it work effectively are inadequate, inappropriate, or not yet in position.

Suo Motu Disclosures

Section 4(1)(b) of the Act obligated every public authority to publish various types of information "within one hundred and twenty days" of its enactment. This included details of the organisation, the power, functions and duties of its various functionaries, the decision making procedures in the public authority, standards and norms, rules and regulations, details of the documents and information held, description of committees and of involvement members of the public in its functioning, remunerations and budgets. Details of how to access information, including the contact details of all public information and assistant public information officers.

On the completion of 120 days, very few public authorities had announced the required information. Most have still not, even after over five months of the Act being in force.

Appointment of Information Commissions

Sections 12 and 15 of the Act provided for the appointment of a Central Information Commission and of State Information Commissions. As these Commissions were not only appellate bodies but also empowered to Act on complaints, they obviously needed to come into existence at least from the day the Act came into force. Even the Central Information Commission was not in position on 12 October 2005 and very few of the State Commissions had been set up by then. Even today, at least ten States have not set up their Information Commissions and the Central Information Commission still does not have the staff to function effectively.

Selections for Information Commissions has also been a contentious issue. Section 12(5) of the RTI Act specifies that the Chief Information Commissioners and the Information Commissioners "shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance". Despite this, all the State Chief Information Commissioners so far appointed are retired Government officials. Almost all are retired IAS officers – one being a retired IPS officer and another a retired High Court Judge. Even in the Central Information Commission, the Chief Commissioner and three of the four Commissioners are retired bureaucrats.

There has been considerable public concern about this. The National Campaign for People's Right to Information has stated : "Being the appellate authority under the RTI Act, the Information Commission would be called upon to objectively adjudicate on disputes over access to information between the citizen and the Government. The disputed information could often be about matters that were under the charge of the retired civil servants, when they were in service. There would also be many occasions where the Commission would need to decide on releasing information that might embarrass erstwhile colleagues and subordinates of such retired civil servants. In these circumstances, being objective and appearing to be objective would be difficult.

“The Information Commission, through its orders and judgements, is expected to initiate a change in the mindset of the bureaucracy. Not only must the bureaucracy recognise and accept that the right to information is a fundamental right of the citizen, but they must also be prepared to justify their actions and decisions before the public. This is essential in a participatory democracy. Whether a Commission exclusively or overwhelmingly populated with former civil servants can provide such a leadership is doubtful.

“While expressing preference for Commissioners who are not from the Government, the NCPRI is not against the appointment of all serving or retired Government servants. Care must be taken to ensure that those selected are truly eminent, suited to the job in hand and not made to adjudicate matters relating to their own erstwhile departments or charges.”

Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs)

Many ministries and departments of the Government of India seem to have appointed multiple PIOs. This results in citizens having to run from office to office seeking out the correct PIO – sometimes in vain. There are also problems regarding people’s access to PIOs. In many departments the PIO can only be met after a security pass has been obtained. In case the PIO is not in his/her seat, the security desk does not issue a pass. People have to sometimes wait for hours till the PIO returns to his/her seat.

There also appears to be a lot of confusion about the appointment of APIOs, both at the Central and State levels. The RTI Act says: “...every public authority shall designate an officer....at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, to receive the applications for information or appeals under this Act....”(5)2)). In many States and in some Central departments, APIOs are being appointed in the same offices where the PIOs are already located. Though there has been a welcome suggestion from the Department of Personnel and Training (DoPT), Government of India, to designate postal officers as Central APIOs, this suggestion does not appear to have been operationalised.

Application Forms

The RTI Act does not prescribe any application forms and enables a person to apply on plain paper, as long as all the required information is included. However, various ministries and departments of the Government of India and various state governments are either insisting on specific forms that they have designed (the Delhi Development Authority, for example), or are demanding information or documentation that is specifically prohibited by law (the Ministry of Home Affairs, for example, demands proof of residence with applications). This has caused a lot of hardship to the people and has also opened up an avenue for corruption. Fortunately, responding to a complaint, the Central Information Commission has now clarified that no department can insist on a form and must accept applications on plain paper. Let us hope this solves the problem.

Lack of Guidelines

The DoPT has not circulated any guidelines to Central/State Governments on the implementation of the RTI Act. Much of the confusion that we see today is due to public authorities being clueless, in the absence of such guidelines, on how to implement the Act.

Fees

Though the RTI Act (Section 6(1)) specifies that “A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic

means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed....” The corresponding rules specify that fee can be paid by cash, demand draft or bankers cheque. This does not facilitate the filing of applications through electronic means and is generally expensive and somewhat restrictive. There are also no provisions for paying the fee through electronic means, through credit or cash cards, or through telephone and SIM cards.

In some cases, the cashier sits in a different office to the PIO and this results in applicants having to shuttle between one office and another, sometimes many kilometres apart, to deposit their requisition.

Though the Government of India has prescribed a reasonable fee of Rs. 10 per application, many states have prescribed exorbitant fees of Rs. 50 and above, with equally heavy charges for photocopies. This is against the spirit of the Act, which lays down that the fee must be reasonable.

Though families below the poverty line (BPL) are exempted from paying any fee, there appears to be a lot of confusion about what would qualify as proof for considering a family to be BPL. As there is no official notification, many government departments are not clear what documentation should be accepted for the purpose.

Threats

There are widespread complaints of threats against applicants of sensitive information. These threats are usually from affected government functionaries and other vested interests. It is important for the Government to ensure that making threats against applicants for information becomes a cognisable offence, through appropriate amendments in the relevant laws.

Access to the Central Information Commission

There are Central public authorities all over the country. Also, people from different regions might like to seek information from Central Government institutions. It is impractical to locate all the Central Information Commissioners in Delhi, as is presently the case. Instead, it would be a good idea, as provided for in the law, to have them located in different regions to facilitate filing of appeals and complaints by people in that region.

Training and Awareness

There is an urgent need to train civil servants, at all levels, in the provisions and uses of the RTI Act. For the public, there is a need to publicise the RTI Act, especially through the All India Radio and through regional newspapers. Though the government publicises so many other laws and schemes, very little publicity has been given to this Act.

A Participatory and Consultative Monitoring Process

Now there is no process by which members of the public and representatives of concerned movements can interact with the Government and give them feedback on the implementation of the Act. There is a need to set up such a consultative process. Perhaps what is required is a National RTI Council, along the lines of State RTI Councils in Delhi and Maharashtra, with representatives from civil society groups, to formalise a periodic interaction and thereby generate regular feedback and suggestions for improvement.

HAMARA PAISA , HAMARA HISAB

Ajit Bhattacharjea

For me, Nevathi Bai is the icon of the movement that has won us the revolutionary Right to Information Act, 2005. Nine years have passed since, drawing a typical multi-coloured Rajasthani *ohrni* from her face, she walked up to the microphone to demand *hamara paisa, hamara hisab*. Raising her voice, she insisted that people had the right to see official records, to check how the money allotted for them was being spent. Nevathi was one of a crowd of about 500, mostly women, squeezed into a small, triangular ground facing the Chang Gate in Beawar. They had been sitting on the ground for close to three hours, on a humid day, at a *jan sunwai* (public hearing). Details were being read out from the official record of funds paid out for construction and repair of schools, roads, irrigation channels and other development and public works. Local villagers got up to complain that the works were incomplete or not done at all. The degree of misappropriation emerged most obviously when muster rolls bearing the names of those paid for their daily labour were read out. Nearly half proved to have been faked, with the assembled villagers pointing out that many of those named had died, moved elsewhere or were not known to exist in the area.

Nevathi Bai stood out by the ring of determination in her voice and clarity with which she linked right to information to livelihood. She symbolised the awareness created by the movement that they were fashioning a peaceful, effective instrument to expose and counter decades of exploitation. Cleaner governance actually seemed possible. And so, over the years, *hamara paisa, hamara hisab* drew thousands of villagers, many uneducated, into the repeated protests, dharnas and *jan sunwais* that fuelled the spreading movement for right to information. The slogan provided a motivation and a mass sanction that could not be legitimately denied in a democracy. Notice had to be taken in New Delhi and the State capitals.

Yet up to then it had been denied. One of the repressive laws promulgated when India was under British rule to protect the colonial administrators, the Official Secrets Act, was retained unchanged after Independence. This made it possible to describe any official document as secret and punish anyone trying to look into it. Those taking over governmental office from the British were reluctant to give up the power to misuse authority that denial of information provided. Secrecy enhanced opportunities to reward favourites in return for political and monetary support, the glue uniting lobbies and vote banks. Since files authorising payments and other orders were not open to public scrutiny, they could not be probed. Instead attempts to do so could be treated as crimes.

This encouraged the development of the widening nexus between politicians, bureaucrats and criminals that the official report by the N.N. Vohra Committee brought out a decade ago. The nexus could not have flourished unchecked without the cover of secrecy. But it was not until Nevathi Bai and the movement she symbolised forced attention to the misrule

and corruption festering under the cloak of secrecy that serious attempts began to frame legislation. The press coverage given to *jan sunwais* highlighted the issue so clearly that it could be ignored no longer. Politicians and policy-makers were used to exposure of corruption – Rajiv Gandhi had admitted that only 15 paise in every rupee sanctioned for development reached the intended beneficiaries. But now they faced the prospect of the demand for democratic rights reaching remote villages.

Jan sunwais were the cutting edge of a process of empowerment. It was not easy to persuade poor villagers in a remote area of near-feudal Rajasthan to stand up and testify that local officials were misappropriating public funds. But this was achieved by the Mazdoor Kisan Shakti Sangathan (MKSS), a small group of activists who gained their confidence by living and working with them. They went from hut to hut pointing out how much the villagers were losing by showing them the official record of expenditure. The villagers took courage and agreed to speak out at the *sunwai*, where local leaders were also invited. Copies of the relevant official records had been obtained from friendly officials who wanted to distance themselves from the corrupt. This was the only way that files could be accessed before the right to information era.

After intensive preparation, the first *jan sunwais* were organized in small villages in 1994. But they attracted little outside notice. Two years later, however, the movement had gathered enough support to invite the media to a bigger demonstration in the small town of Beawar in south Rajasthan, where Nevathi Bai was among those who testified. This was the small start of a mass campaign, consisting of demonstrations, mass dharnas (one lasted for 40 days in Jaipur) and *jan sunwais* that eventually led to the gates of Parliament House.

I was privileged to be present at Beawar and witnessed a series of subsequent *jan sunwais*. At two of the remotest, deep in the Aravalli range, the sarpanches were shamed into promising to return the money they had pocketed. Under pressure, the Rajasthan government issued a notification authorising transparency at panchayat level. At Janawad, in Rajsamand district, this enabled copies to be made of bills and vouchers authorizing expenditure of Rs 65 lakhs. Evidence at the *sunwai* showed that as much as Rs 45 lakhs out of it had been misappropriated. This was serious enough for an inquiry to be ordered and the officials involved suspended.

At Kishangarh, however, the notification did not prevent district officials from rejecting requests for access to panchayat records in the face of a day-long demonstration. No action was taken against them. The culture of secrecy had not changed. No action was taken even against the officials responsible even after substantial diversion of foodgrains and essential commodities from ration shops to the open market was exposed at Kumbalgarh. The biggest victims were poor villagers with below-poverty-line (BPL) cards who were supposed to get essential supplies at particularly low rates. With a few exceptions, officials continued to regard disclosure of information as a concession and the perquisites of secrecy as a right. Changing attitudes took time and pressure.

The demand for right to information spread to other States. The response was varied. Many governments ignored it; others issued notifications authorizing limited disclosure. Effective legislation was obviously needed. After the the Beawar *jan sunwai*, jurists, academics, journalists, social activists and a few political leaders held a two-day national conference at the Press Council of India in New Delhi. Justice P.B. Sawant was asked to head a committee to draft a model Bill on right to information. That was in 1996. One by one, eight State Governments enacted their own Bills, most of them full of loopholes enabling officials to deny access to information damaging to them or their masters. The Delhi Government passed one of the better Bills, with a provision for penalizing officials who delayed or denied access without sufficient reason. This enabled Parivartan, a local civic group, to secure official documents exposing widespread misappropriation in ration shops. But no action was taken against erring officials of the Food and Civil Supplies Department.

The Central Government was obliged to take up the issue. For the next few years, bureaucrats provided an object lesson in the art of delay by examining and reexamining drafts carefully crafted to shield themselves. Eventually Parliament enacted a Freedom of Information Bill two years ago, but the bureaucracy failed to notify it. Another attempt was made after the United Progressive Alliance Government took over, but the legislation was limited to Union Territories, among other restrictions. Officialdom had overreached itself. Protagonists of a comprehensive, effective measure were able persuade the National Advisory Council to sponsor a number of crucial amendments that were incorporated in the Right to Information Act, 2005.

The Act has a far wider range than any of its predecessors. It covers all Central and State government offices; any body owned or financed substantially by government, including non-government organizations substantially financed by government directly or indirectly. Exemptions are limited. Penalties are provided for non-compliance.

The structure of the Act reflects its origins. A network of officials, reaching down to sub-district level is to be appointed to receive, help and deal with requests for information. Applicants below the poverty line are exempted from paying fees. The list of disclosures that all public authorities, down to the lowest level, are required to publish regularly on their own is exhaustive. These include such details as particulars of the organization; the powers of its officers; monthly salaries of employees; budgets; details of implementation and concessions, if any, granted.

The key to the change in approach is reflected in the title. 'Freedom of Information' suggested an act of dispensation by authority; 'Right to Information' an inalienable 'right' of every citizen -- a truly revolutionary change from the era of secrecy. But the battle is not over. Without continuing mass pressure, implementation will be tardy and errant officials continue to evade punishment. And unless efforts are made to ensure that information about procedures to secure information reaches Nevathi Bai, the Act's farreaching objectives will remain on paper.

A PARIVARTAN OPERATION

Arvind Kejriwal

Triveni is a matriculate. She was shocked to discover that her ration shopkeeper was siphoning off rations meant for her by making false thumb impressions on cash memos in her name. Whenever she went to the shop, the shop would either be closed or the shopkeeper would say that there were no stocks. Triveni lives in a slum colony in East Delhi. She holds an Antyodaya card issued by the government to the poorest of the poor. In February 2003, she filed an application under the Right to Information Act asking for details of the quantity of ration issued to her as per record and copies of cash memos purported to have been issued to her.

After a month, Triveni received a reply stating that she had been issued 25 kgs of wheat at Rs 2 per kg and 10 kgs of rice at Rs 3 per Kg every month for the last three months. The cash memos showed thumb impressions made under her name. As a literate woman, she always signs. Obviously, the shopkeeper had been drawing her ration by faking thumb impressions in her name. But now she was equipped with evidence to proceed against the shopkeeper. When he heard, the shopkeeper came to her house and pleaded with her not to take any action. Since then, Triveni is getting right amount of ration at the right price for the last year and a half.

Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, another slum habitation in East Delhi. He lost his ration card and applied for a duplicate in January this year. He made several rounds of the local Food & Civil Supplies office for the next three months. But the clerks and officials would not even look at him, leave alone bother to tell him about the status of his application. Eventually, he filed an application under the Right to Information Act asking for the progress made on his application, names of the officials who were supposed to act on it and what action would be taken against them for failure to respond. Within a week, an inspector from the Food Department informed him that his card had been made and he could collect it from the office. When Nannu went to collect his card next day, the Food & Supply Officer (FSO), who is the head of a Circle, actually offered him tea and requested him to withdraw his application since his work had been done.

These are two examples of how the Delhi Right to Information Act, which provides for penalties for non-compliance (unlike Acts in some other States), enables the poorest citizen to secure his or her rights. Several hundred families in the slum colonies on the outskirts of Delhi have benefited. They are getting regular rations for the first time. But it has not been easy. Some officials and, behind them, the well-connected mafia that has been diverting the bulk of wheat, rice and other rationed supplies into the open market, continues to resist. Citizens, especially the poor and uneducated who are most vulnerable, need help of learn the procedures to access right to information.

The massive theft in Delhi was brought to light by jan sunwais organized by Parivartan, a local volunteer organization last year. When figures showing full supply to ration card holders from ration shop registers (secured under the Right to Information Act), were read out at these public hearings, women after woman from Sunder Nagri, Seema Puri, Welcome Colony and other resettlement areas waved their ration cards to show that they had not received them. Some 90 per cent of the rations had been stolen.

After the jan sunwais, families in these areas are now receiving regular rations. But the food mafia is counter-attacking. Parivartan workers have been threatened. One young worker, Santosh, had her throat slashed last December. She ran a centre informing local people of rationing rules and how to make complaints. Others have been beaten up, in one case inside a Food Department office. But public pressure has made a difference. Officials are more cooperative. One of the latest measures taken to promote transparency is an order opening shop registers to public view on Saturdays.

The battle is not over for the food mafia has much to lose. The public distribution system has been the biggest source of ill-gotten gains throughout the country for decades. The theft unearthed in Delhi is only the tip of the iceberg. Figures from all the States, calculated by Prof. Jean Dreze of the Delhi School of Economics by matching offtake from the Food Corporation of India with National Sample Survey data, indicate that 50 per cent of the total grain is stolen, which means an estimated Rs 5,000 crore is looted. The victims are the poor who are denied the basic rations enabling them to survive.

VARITIES UNDER RTI

Does an University come under provisions of the Right to Information Act? This was the question for consideration before the Karnataka High Court in Bangalore . The Judge held that Universities are covered under the Act .

The case dealt with an applicant for the position of Lecturer in Law who was denied information. Shivanna Naik's application was not considered. He submitted a query under RTI Act seeking information regarding non selection. The application was rejected on the ground that there was no such provision under the Bangalore University Regulations.

Mr Justice K. L. Manjunath, while allowing the petition filed by Naik, directed the University to consider his application. The Court also observed that the University comes under the definition of Article 12 (State) of the Constitution, and must conform to the principles of fundamental rights.

EVERY DAY IS SATURDAY

Kalol taluka in Panchmahals district belongs to one of the less developed parts of vibrant Gujarat. Panchmahals is home to fairly large sized communities of adivasis who have not benefited from the economic development. Additionally, several hundred families belonging to the minority community live below the poverty line (BPL). The public distribution system is indispensable for these families. But to get a ration card they have to bribe officials or middlemen -- or both.

The Deputy Mamlatdar at the taluka level is responsible for issuing ration cards of all kinds in rural areas. Printed application forms are available free of charge. People can use these to apply for a new ration card, get a duplicate made, have the names of new family members added or that of the deceased deleted, or get a card divided if a joint family wishes to have separate cards for its members.

In Kalol, large printed signs at the Mamlatdar's office warned people to visit the office only on Saturdays for ration card related work. State Government offices in Gujarat work on the first and third Saturday every month. The other two Saturdays are holidays. In effect this meant that applicants from more than 60 villages of Kalol taluka had only a window of two days every month to put in their applications for ration cards.

Those who cobbled up money to bribe touts got priority treatment. Others who could not simply had to wait their turn to arrive and if it did not come before closing time, they were simply chased away. They would come back the next working Saturday and go through the process of waiting for a darshan of the Dy. Mamlatdar all over again.

Aslambhai, a resident of Kalol decided to find out if the two Saturday limit had any legal basis. He had learnt about the Right to Information Act. He asked for the Government Resolution (GR) that said applications for ration card related matters would be received only on Saturdays. He also requested for all GRs that listed the procedural requirements for ration card related work.

The Mamlatdar is the designated Public Information Officer at the taluka level in Gujarat. He refused to read Aslambhai's application, let alone accept it. He told Aslambhai that there were no orders for giving information to people at the taluka level. People could get whatever information they wanted at the district level. Aslambhai sent his application to the Mamlatdar by Registered Post .

Ultimately, the Dy. Mamlatdar was forced to clarify . Aslambhai was told that there was no GR as such and that Saturdays were fixed for summoning applicants to collect their ration cards. This was done so that applicants would not have to forego a day's wages visiting the office on a working day. Aslambhai was assured that henceforth they would receive applications for ration card related work on all working days during normal working hours.

Aslambhai is one of 30 men and women in Panchmahals district in Gujarat, trained by the Commonwealth Human Rights Initiative to use the RTI Act in 2005

CIC RAPS APEX COURT REGISTRY

The Central Information Commission recently upbraided the Supreme Court registry for its apparent reluctance to share information. Acting on an appeal filed by Delhi resident Subhash Agarwal, Chief Information Commissioner, Wajahat Habibullah, and Information Commissioner Padma Balasubramaniam, overruled a decision of the apex court Registrar (Administration) turning down his plea for greater information relating to a case.

While upholding an order of the Court Public Information Officer (CPIO), the Registrar had dismissed Mr. Agarwal's plea seeking more information on the status of a petition that he had filed before the Chief Justice of India.

In an appeal before the Central Information Commission (CIC), Mr. Agarwal said the information provided by the CPIO was "meaningless and evasive" since he was merely told that his complaint was transferred to the jurisdiction of the High Court.

While he argued before the CIC that the CPIO had given him no "actionable information", the counsel for the CPIO said the case was transferred to the High Court which was a separate public authority under the provisions of the RTI Act.

In its ruling, the CIC said though the little information that the CPIO gave the appellant met "in narrow terms the requirement of Section 6(3)" of the RTI Act, relating to information held by "another public authority", it did not mention when and under what reference the application was transferred to the High Court. This made it difficult for the appellant to find ways to seek further information, the CIC said.

"It is therefore decided that the CPIO of the Supreme Court will now inform the applicant of the reference and date of the orders transferring the application to the High Court to enable the applicant to make a suitable application to that public authority to access the information sought," the CIC said.

It chided the CPIO for having taken more than a month to reply to Mr. Agarwal's application while the law mandates that such information be furnished within five days.

PENALTY

The Chief Information Commission has ordered the Municipal Corporation of Delhi to furnish details of sanitary works in its area and the money paid for it, asked for by an appellant, within a fortnight. Further, it has issued a notice to the Commissioner (Principal Information Officer) MOD to show cause why a fine of Rs 250 per day should not be levied on the PIO from November 27, 2005 until such date as the information is provided, for not giving this information to the appellant within the time limit specified in the Right to Information Act, 2005.

TRAVEL EXPENSES

In another decision, the Information Commissioner of the Central Information Commission, hearing an appeal against the order of the Appellate Authority of Bharat Petroleum, ordered that information relating to the tour programme and travel expenses of a public servant cannot be treated as personal information and should be given to the appellant within 15 days.

FILE NOTINGS

While file nothing are not, as a matter of law, exempt from disclosure, the Central Information Commission has held, in an appeal, that unless the public authority (in this case the TCIL) clearly specifies that file nothings relate to commercial confidence or trade secret or intellectual property or available to the TCIL in its fiduciary relationship, the appellant should be given file noting on the documents specified.

RESPONSE TO COMPLAINTS

Letter from the Central Information Commission to all Ministries and Departments:

The Central Information Commission, on the basis of suggestions and complaints received from members of public, has desired that the following steps should be taken by Ministries/Departments regarding the Right to Information Act, 2005 within individual jurisdiction.

1. The PIOs, APIOs and Appellate Authorities are placed in all public authorities set up from Ministry's/Department's budget or under administrative control of Ministry/Department, if they are not already there.
2. Furnishing to the Central Information Commission the details of nodal officer appointed for implementation of the Act and the complete list of PIOs/APIOs and the Appellate Authorities along with their contact details, namely addresses, phone numbers, e-mail addresses and fax numbers.
3. Steps to taken to enable people to file their applications by post. To make this easy, awareness should be generated through printed and electronic media regarding the name of the bank account into which the demand draft or bankers cheque should be accepted. The particulars of these bank accounts should be furnished to the Central Information Commission.
4. Some Ministries/Department have appointed several Public Information Officers having different jurisdiction. In such case a clarification may be issued to the effect that application can be received by any PIO whose duty it would be to direct it to the PIO concerned under intimation to the applicant.
5. In case a person writes directly to the Head of Department/Office enclosing the required fee, it should be ensured that application reaches the proper PIO under intimation to the applicant.
6. The Right to Information Act, 2005 does not provide for any formal application form for acquiring access to information. The act also states that request for information can be sought 'in writing or through electronic means.....' therefore, application for information on plain paper are also to be received and replied within the prescribed time limit.
7. Section 6(2) of the Right to Information Act, 2005 states that no person seeking information shall be required to give any reason for his request. Therefore, necessary orders may issued to all the officials in the Ministries/Departments/Public Authorities to comply with the directives of the Act and not to ask unnecessary questions from complainant/applicants.

MEDIA GUIDE TO RTI

Aditi Datta and Sohini Paul

The Right to Information Act 2005 covers all government bodies from those at the Centre to those at local government level. The Act defines information as any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

"Right to information" means the right to access information held by government bodies and includes the right to inspect works, documents, records; take notes, extracts, or certified copies of documents or records; take certified samples of material and obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

The Act provides for proactive disclosure of information. It requires government bodies to actively publish and disseminate key categories of information of general interest of the public. Some of these are given below:

- The rules, regulations, instructions, manuals and records, held by government bodies or under its control or used by its employees for discharging its functions;
- A statement of the categories of documents that are held by government or under its control;
- The particulars of any arrangement that exists for consultation with or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes 'of such meetings are accessible for public;
- A directory of officers and employees of government institutions;
- The monthly remuneration received by government officers and employees, including the system of compensation as provided in its regulations;
- The budget allocated to government agencies, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- Particulars of recipients of concessions, permits or authorisations granted by it;
- The names, designations and other particulars of the Public Information Officers;
- The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- The government must publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- Provide reasons for its administrative or quasi judicial decisions to affected persons;

This section is important because journalists can access relevant information based on the provisions of proactive disclosure. For example they can find out whether budget allocations have been used properly and fully. And where it has been spent and how? They can access information to expose corruption in the implementation of government schemes and programmes. Journalists can find out the different subsidy programmes and monitor them through information requests. Through this section they can also find out who gets permits and whether the procedures followed have been appropriate or not. Proactive disclosure of the names, designations and other particulars of the Public Information Officers is an important clause as it will help and guide the citizens in filing information requests. If not done, journalists can monitor it and report whether the Act is implemented in reality. This proactive disclosure should be carried out with immediate effect and in any case completed within 120 days of the enactment of this law. Thereafter it must be updated every year. Proactive disclosure of manuals used by government bodies in the discharge of functions is particularly useful because bureaucrats function under a set of rules and accessing them helps to understand and monitor their style of functioning.

Exempted Categories

The Act specifies certain types of information that need not be given to the public. For example

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- Information received in confidence from foreign government;
- Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- Information which would impede the process of investigation or apprehension or prosecution of offenders;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers; provided that the decisions of the Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken.
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Overriding Clause

However, an overriding clause provides that if public interest outweighs harm to the public authority by disclosure, information must be disclosed. It is up to the Competent Authority to decide whether the information is for larger public interest, but if so only that part that of the information sought will be disclosed which is seen to be in larger public interest. Whether any personal or private information is subject to larger public interest is to be decided by the Public Information Officer.

All the categories falling under the list of exemptions are not watertight compartments. Upon completion of 20 years, information about occurrence, event or matter will be given irrespective of exemptions. But information relating to sovereignty, integrity, security, strategic, scientific and economic interests, information which would lead to incitement to commit an offence and cabinet papers, including records of deliberations of Council of Ministers, Secretaries and other officers (Exemption 1, 2 and 10) need not be given even after 20 years. Decision of the Central government or the state Government (as the case may be) is final for computing the time period.

The exemption covers Central intelligence and security agencies including the Intelligence Bureau, Research and Analysis Wing, Directorate of Revenue Intelligence, Central Economic intelligence Bureau, Enforcement Directorate, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau and other agencies. Similar agencies established by state governments are included.

However this exemption does not extend to information relating to corruption and human rights violations. This may be given with the approval of the Central or State Information Commissions, as the case may be. This allows journalists to ask for information pertaining to complaints of human rights violations against security organizations.

Detailed provisions have been made for receiving and dealing with requests for information. The Act provides for the appointment of Public Information Officers (PIOs) in all offices and Assistant PIOs at each sub-divisional or sub-district level. The Assistant PIOs are tasked with receiving applications and passing them on to the relevant PIO. The PIOs are responsible for providing information to the citizens as requested by them on the prescribed format. They either provide the information within thirty days of the receipt of the request on payment of fees or reject the request specifying the reasons for doing so. In cases where information sought “concerns the life and liberty of a person”, then the time limit within which information has to be given by the PIO is 48 hours. The appropriate government will prescribe the application fees and no fees will be charged from applicants who belong to “Below Poverty Line” (BPL) families.

Appeals Mechanism

In case the information asked for is not provided the person who has asked for the required information can Appeal to the authorities concerned. The first appeal can be made to the officer immediately senior to the PIO in the concerned public authority. This can be done within 30 days from the date of the refusal. If the decision of the first appellate authority is upheld then the requestor can appeal to the Central and State Information Commissions.

The Act establishes Information Commissions at the Centre and in all the States. The Commissions are given broad powers to hear appeals and are also tasked with regular monitoring of the law (including production of annual reports). The Commissions can make any order required to bring about compliance with the law, including ordering release of documents, appointment of PIOs and publication of specified information. The Central Information Commission and each State Information Commission will be made up of a Chief Information Commissioner and up to 10 Information Commissioners.

The detailed provisions to provide information and ensure compliance in the Right to Information Act create opportunities for journalists to secure reliable information about many urgent issues: custodial deaths; salaries of local officials and representatives, how MP’s and MLA’s funds are utilized; how subsidies are spent, who is getting permits; decisions of cabinet meetings; how safe are our mines, human rights violations committed by the armed forces and security agencies. It is only when we begin to question and monitor the way governments are functioning and highlight it through mass media, can we expect to rid our society of corruption, poverty, fear and hunger.

Aditi Datta and Sohini Paul research for the Commonwealth Human Rights Initiative



Right to Information Act of 2005

A Manual

National Campaign for People's Right to Information

Do you wonder

- Why the ration shop in your village/town/area never has any ration?
- Why your local panchayat or municipality does so little and always claims that they have no funds?
- Why there is no doctor at the primary health center/hospital and no health worker at the sub-health center/dispensary?
- Why there are no medicines in the health centers/hospitals?
- Where have all the teachers in the government schools gone?
- Why are the streets and colonies in your town/city so dirty?
- Why the roads in your area in such a pathetic condition?
- Why are people dying of starvation in various parts of the country?
- Why, when so much money is supposedly being spent on our welfare, there are still so many people who live in abject poverty?

Some of us feel that this country would be a better place to live in if we had good politicians and bureaucrats. Real change can come only when the people of this country hold their Government and public servants accountable, so that they are forced to respond to the poorest citizen of this land. And when that happens, no public servant or Government would dare to be corrupt, inefficient or insensitive.

But how do we hold the Government accountable?

We cannot even begin to make the Government accountable if we do not have the basic information regarding Government decisions and functioning. The Right to Information Act that was passed by Parliament in May 2005, empowers us to do just that.

It gives us the right to question our Government and get information about matters that affect us. Used innovatively, this information can then be wielded to hold our Government accountable.

How does the Right to Information (RTI) Act help us?

RTI Act gives you the right to ask the Government for information that can expose inaction and corruption, and address your grievances.

Under the RTI Act you can:

- Demand from the Government information pertaining to any of its departments.
- Demand photocopies of Government contracts, payment, estimates, measurements of engineering works.
- Demand from the Government samples of material used in the construction of roads, drains, buildings.
- Demand to inspect any public development work that may be still under construction or completed.

- Demand to inspect Government documents -- construction drawings, records books and registers.
- Demand status of your requests or complaints.

Using The Right To Information

Having Your Complaints Attended to without Paying a Bribe

Do you have a pending work in any Government department? Are they not doing your work and expecting or demanding a bribe? Did you file any grievance petition in a Government department but they are simply not acting on it?

Did you make any complaint against any official or against any wrong-doing and are they not acting on your complaint?

Use your Right to Information to know the status of your application. Sometimes, merely asking of the status makes them work.

How can you solve such problems?

Just as an example, let us assume that you applied for a new water connection about a year back, but you have not been granted the connection. Under the Right to Information Act seek information on the following lines:

I had applied for a new water connection about a year back, but that has not been granted as yet. Copy of the receipt is enclosed for your reference. Please provide the following information:

1. *The daily progress report made on my application.*
2. *Please give the names and designations of the officials with whom my application was lying during this period. Please intimate the periods when it was lying with which officer and what was the action taken by that official during that period.*
3. *Please give the proof of receipt and dispatch of my application in the office of each of these officials.*
4. *According to your rules, in how many days should a new water connection be processed and granted. Please provide a copy of these rules.*
5. *The above officials have apparently not adhered to the time limit mentioned in these rules. Are these officials guilty of violating the rules and hence guilty of misconduct under their conduct rules. Please give a copy of the conduct rules, which they have violated .*
6. *These officials have caused serious mental injury to me by making me run around all this while. Are these officials guilty of causing mental harassment to the public?*
7. *What action can be taken against these officials for violating time stipulations and the conduct rules? By when this action would be taken?*
8. *When would I be granted the water connection?*

Normally, it becomes difficult for the officials to reply to these questions, as this would bring their inefficiencies and lapses on record in writing. A reply to these questions also has the effect of fixing responsibility.

Take hisaab from the Government in your area

Do you wish to verify whether the money claimed to have been spent by the Government in your area was actually spent or not?

If you also want to similarly verify works in your area, fill up the prescribed form and ask for the following details:

Please provide a list of all the works awarded by the panchayat/municipal body in _____ area during the Financial Year _____. The list should contain the following details:

- a) Name of the work, b) Work Order No, c) Name of contractor, d) Date of start*
- e) Date of completion, f) Rate at which work awarded, g) Sanctioned amount,*
- h) Amount paid so far, i) Head of account, j) Status of work, k) Basis for decision to undertake this work, l) Copy of sketch of each work.*

Once you get this list, take a preliminary look at each of these works. Make a list of those works that you find in very bad condition or which seem not to have been carried out at all. File another application and seek the following details for each of these works:

Please provide following details for each of the works mentioned in the enclosed lists:

1. Details of estimates 2. Sketches, 3. Measurement Books including recorded entries and abstract entries

Now, you should carry out a detailed verification of these works on the basis of the detailed documents obtained. This will give you the exact amount of defalcation. These findings could be made public and submitted to various vigilance agencies or the findings can be presented before a gathering of the local people. This is called a “jansunwai”.

Inspect a Government work

It often happens that an inspector from some Government department comes to inspect something or the other. But has it ever happened that a common man goes to a Government department seeking to inspect Government works?

When through Right to Information Act, a citizen inspects public works executed by the Government or takes samples of materials used at that work site, he/she deals a severe blow to corrupt practices by unscrupulous officials and contractors. The Right to Information Act empowers any citizen to inspect any Government work or to demand samples of materials.

You can inspect an old work (which has already been completed) or a current ongoing work. If you inspect an old work, you can expose corruption that might have taken place. But if you inspect an ongoing work, you will be able to prevent corruption from taking place.

Most of the corruption takes place in records. For instance, only 100 metres of road would be made but the officials would write 200 metres and make payment for 200 metres. This is because the officials know that the corruption will remain buried in records and no one would come to know about it. Even if there is a vigilance or audit inspection, the officials think that they will be able to bribe their way through. But suppose, you file an application under the Right to Information Act before the start of any work, that you would like to

inspect that work once it is completed and would also take a samples of materials being used in the execution of that work, the officials would know that someone from the public is going to inspect their project work. Now, they will not enter wrong measurements in the records. They will also be careful in using inferior materials if you have asked for samples of material. Imagine if people all over India start filing such applications under the Right to Information Act. Wherever anyone sees any Government work taking place in any area, just file an application under the Right to Information Act saying that you would like to inspect that work and take samples of materials during the execution of that work . This will act as a real deterrent to corruption.

If you also want to inspect old or ongoing works, you can ask for the following information:

1. *The Right to Information Act empowers every citizen to inspect any work. I wish to inspect the following work(s). Please let me know the date, time and venue when I should come to inspect these works.
(Give list of works that you wish to inspect)*
2. *I would also like to inspect the following documents related to these works at the time of inspection. These records should be made available to me for inspection when I come :*
 - a) *Measurements Book,*
 - b) *Details of Estimates,*
 - c) *Sketches*
3. *Section 2 of RTI also gives the right to the citizens to take samples of materials being used . I would like to take samples of materials for each of the above works. The samples should be collected by the Department in my presence and sealed and certified to be true samples of materials being utilized in these public works.*

Know how your MLA used the Constituency Development Funds

Every MLA gets Rs 2 crores a year to spend on works for the development of his/her constituency. Often, the money is spent on works which have little utility for the people. But when the people go to the MLA with the request for a public utility project work, some MLAs send them back saying that there are no funds available. Now you can use the Right to Information Act to find the fund utilization position for your MLA.

You can also seek to know the details of the public works on which your MLA spent money and verify the status of these works and whether these projects were required at all by the people of that area. Ask for specific details from the concerned department of your State Government:

1. *Please provide the following details for all the works awarded during the Financial Year _____ for constituency no _____ out of the MLA Constituency Development Fund:*
 - *Name of work · Brief Description of work · Amount sanctioned · Date of sanction*
 - *Status of completion · Name of agency · Date of start · Date of completion*
 - *Rate at which work awarded and the Amount paid*
2. *How much money was allotted to him during the current year and how much has been carried over from previous years?*
3. *Out of the above, projects worth how much money has already been sanctioned?*
4. *How many projects worth how much money are awaiting sanction?*
5. *How much balance is left in the MLA's electoral constituency development fund account?*

How to Use The Act

Address your application to the Public Information Officer of the Government department concerned. Use this format. And don't forget to add a Rs 10 Court fee stamp.

Place & Date:

To: The Public Information Officer, Department

1. Full name of the applicant:
2. Address:
3. Particulars of information required
 - i. Subject matter of information:
 - ii. Period to which the information relates:
 - iii. Description of the information required:
 - iv. Information required in post or person:
 - v. If by post: (ordinary, registered or speed post)
 - vi. Purpose for which the information is required

Signature of the applicant:

Place:

Date:

CMS Transparency Studies Unit

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic right to monitor decisions affecting public good. To promote awareness and implementation of the Act, the Centre for Media Studies (CMS) has set up a Transparency Studies Unit. It will examine developments in RTI and associated social objectives, facilitate dissemination of relevant material and serve as a link between the media and RTI groups and activists. Ajit Bhattacharjea oversees the unit.

The functions of the Unit include:

- A. Publish and distribute Transparency Review, a monthly review designed to publicise news, articles and documentation concerning developments in RTI and related social objectives like right to work, right to education, panchayats and other areas of grassroots empowerment...
- B. Set up Transparency Features to disseminate articles and columns on RTI and associated public services. Arrangements will be made for translation into Hindi and other languages.
- C. Link with civil society groups campaigning for RTI to further social objectives like cleaner elections, exposing corruption, improving civic services to yield material for Transparency and Transparency Features.
- D. Arrange regular discussions on emerging issues and problems with specialists on the subject and journalists.
- E. Offer training programmes and undertake field studies on implementation.

Centre for Media Studies (CMS) is an independent professional forum engaged in research, policy advocacy, advisory services and programme evaluation. CMS endeavors for accountability, responsiveness and transparency in policy making in public systems and services. CMS, debates and dialogues on important public issues are appreciated nationally.

CMS has emerged as an inter-disciplinary professional body with a wide range of concerns and capability in areas of communication studies, social research, social development, environment, public opinion research, training and performance appraisal. CMS initiatives in regard to regulatory framework, including the media sector, are well known. CMS is well known for its survey methodologies and field research, both qualitative and quantitative, including large scale national surveys.

Over the years, CMS has taken initiatives in evolving a Citizens' Charter, Social Auditing, capacity building, transparency in public utilities, electoral reforms, information equity, good governance and campaign strategies. In addition, CMS focuses on Tracking RTI operations, implementation and implications. CMS Academy is well known for its conferences, seminars, training and orientation programmes for senior functionaries, decision makers and those in voluntary organizations.



Centre for Media Studies

RESEARCH HOUSE, Community Centre, Saket, New Delhi-110 017

Phone: 26864020, 26851660 ; Fax: 011- 26968282

Email: transparency@cmsindia.org, info@cmsindia.org

Website : www.cmsindia.org