

Right to Information Act Delhi 2001

G K Harikrishna

"It has created terror for us."

K C Sharma, Assistant Director, Administrative Reforms Department, GNCTD

Introduction

Do you know that contracts are given out every year to desilt all the drains in Delhi? Municipal Corporation of Delhi (MCD) spends about Rs 31 crore on this. But in practice the drains are rarely cleaned. As a resident of Delhi, you have the right to know where the money is going, the details of contracts given out for de-silting of drains in your own area for the current year and also details of the actual implementation.

However most people do not know that we have a right to know the functioning of the government and other public bodies. We have a right to know, what work is being undertaken by these bodies, how much money is being spent and on what. This is what is called the right to information. The Act itself defines what is right to information. According to Section 2(I) of the Act "right to information" means the right of access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of materials.

Is right to information a fundamental right?

The Supreme Court of India has said that, the right to information is a part and parcel of the fundamental right of freedom of speech and expression. Unless one has the right to know, one cannot express an opinion on any issue. The Supreme Court has also stated, that the right to know is a part of the right to live. People have the right to information that affects their life, their liberty and dignity.

Article-19 defines freedom of expression and opinion as including the right to seek, receive and impart information. The Indian Constitution article 19(1)(a) guarantees, that all citizens shall have the right to freedom of speech and expression.

The Supreme court of India, in several land mark decisions interpreted this broad guarantee of free speech to include right to information as well, in *Bennet Coleman and Co V/s Union of India*, the leading newspaper publisher challenged the government policy of restricting the availability of newsprint. In its decision Supreme Court declared that, "freedom of speech encompasses the right of all citizens to read and be informed. A dissenting opinion in the same case noted that, "the fundamental principle involved here is the people's right to know."¹

In the state of UP *V/s Raja Narayain*, a case, in which, the respondent had demanded information relating to the security expenses of the then Prime Minister Indira Gandhi, the court emphasised the importance of the public's right to know as a deterrent to oppression and corruption.²

In *S P Gupta V/s Union of India*, the Court declared that "disclosures of information with regard to the functioning of government must be the rule and secrecy be an exception justified only where the strictest requirement of public interests so demands."³

¹ Mander, Harsh, Abha Singhal Joshi. The movement for right to information in India: People's power for the control of corruption. *AIR 1973 SC 783*. unpublished paper, p 31.

² Mander, Harsh, Abha Singhal Joshi. The movement for right to information in India: People's power for the control of corruption. *AIR 1973 SC 865*. unpublished paper, p 33.

³ Martin, Robert and Estelle Feldman. 1998. *Access to Information in Developing Countries*. Transparency International. p 75.

History of Right to Information (RTI)

In Rajasthan, for example, the Mazdoor Kissan Shakti Sangathan (MKSS) emerged as a powerful force in checking bureaucratic corruption in the critical area of development.⁴ The states, which have RTI are Tamil Nadu-1997, Goa-1997, Rajasthan-2000, Karnataka-2000, Delhi-2001 and Maharashtra -2002. Tamil Nadu was the first state to introduce RTI in India. In Madhya Pradesh and Chattisgarh also there is an executive order for 55 departments. There is also a central government Act known as the Freedom of Information Act, 2002.

For the introduction and enforcement of RTI in Delhi, there was no *sangha* or political party forcing the Delhi government to implement the Act Delhi's RTI Act was introduced by the will of the government to give transparency to its working.

If RTI is a fundamental right, why is information refused?

- Government machinery is large, complicated, powerful, corrupt and inefficient and its personnel want to protect their dealings under a cloak of secrecy. Government machinery ails from complication and corruption and the officials feel happier with secrecy in their dealings.
- People do not know that they are entitled get information; hence they do not demand information. Even if they do demand they are refused, they do not insist on asserting their rights. Citizens are usually ignorant of their right to information. Even those who are aware and exert this right do not exert enough pressure on the machinery to divulge information.
- Since the file maintenance and record keeping systems of the government are outdated, retrieval of information is difficult.
- Colonial laws such as the Official Secrets Act, the Indian Evidence Act and the Civil Services Conduct Rules help suppress information and levy a bar on providing information to the people.

Important features

- 118 departments of Delhi government have been brought under the purview of the Act. In each department, one officer has been designated as the Competent Authority who accepts the request forms and provides the information sought by people.
- Any person seeking information under the Act has to file an application in form-A to the competent authority. The forms are available free of cost with competent authorities of all the departments.
- A nominal application fee of Rs 50 per application is charged for supplying the information, except for the information relating to tender documents.. For information relating to documents such as tenders / bids/ quotations/ business documents, an application fee of Rs 500 is charged. In addition, a sum of Rs 5 per page is charged towards photocopying..
- The government will make its endeavour to provide the information in 15 days, subject to a maximum of 30 days. The Government needs to provide the required information in 15 days, subject to a maximum of 30 days.
- In case a person fails to get a response from the Competent Authority within 30 days of the submission of Form-A or is aggrieved by the response received within the prescribed period he may file an appeal to the Public Grievance Commission.
- In case an appeal is allowed, the information shall be supplied to the applicant by the competent authority within the period ordered by the appellate authority. This period should not exceed 30 days from the date of receipt of the order.

⁴ Chand, Vikram Khub. 2000-01. *Legislating Freedom of Information: India in Comparative Perspective*. Commonwealth Human Rights Initiative.

- If the person bound to supply the information fails to furnish the required information within the time specified or fails to communicate the rejection order is liable to pay a penalty of Rs 50 per day for the delayed period subject to a maximum of Rs 500 per application.
- In case the information supplied is found to be false in any manner and the person whom it is supplied to knows or has reasonable cause to believe it to be false; the person supplying the information shall be liable to pay a penalty of Rs 1000 per application.⁵

Procedure for Accessing Information

A) Application

A request should be made in writing or through electronic form and sent to relevant Competent Authority (by e-mail) giving particulars of the information being sought. Oral request may be accepted but should subsequently be forwarded in writing as well.

Application should be made in 'FORM-A'⁶ and submitted to the Competent Authority, along with the application fee. It is the duty of every Competent Authority to acknowledge all applications received.

If a person makes a request through electronic form, the requisite application fee has to be paid within a period of 7 days from the date of such request, failing which the request for information will be considered to have been withdrawn.

B) Fees

The Delhi law clearly states that fees charged for supply of information should not be more than the cost of processing and making the information available to the public.

Application fees

- 1) Information relating to tender documents /bids/ quotation/ business contract cost Rs 500.
- 2) Other information costs Rs 50.

C) Other fees

- 1) Priced publication- as per fixed price.
- 2) Others - Rs 5 per page.

D) Procedure for disposing information

1) Providing/ refusing information

Competent Authority should either provide the information as per 'form-D'⁷ or refuse the request as per 'form-C'⁸ within a period of 15 days from the date of request and latest within a period of 30 days from the date of request respectively. All rejections must be in writing, with reasons for rejection provided alongwith. Also, information about the appellate authority and timeframe within which an appeal can be filed should be mentioned.

2) Collection of information

Information can be collected only after the applicant deposits the amount due to the authorised person (as nominated by the Competent Authority).

3) Application to the wrong Competent Authority

If request for information is made to an incorrect Competent Authority, the Competent Authority should return the application in 'form-B'⁹ normally within 15 days but not later than 30 days from the date of application. While returning the application, the Competent Authority should advise the applicant about the appropriate authority to whom the application should be addressed. . The application fee deposited is not refunded.

⁵ Delhi RTI Act and Rules 2001.

⁶ Form A. p 9. Delhi's RTI Act & Rules.

⁷ Form D. p 11. Delhi's RTI Act and Rules.

⁸ Form C. p 10. Delhi's RTI Act and Rules.

⁹ Form B. p 10. Delhi's RTI Act and Rules.

Language

Information should be provided in English or the official language.

Department wise number of application received and disposed off under Right to Information Act up to March, 2003.¹⁰

	Departments	Number of Application		Information	
		Received	Disposed off	Given	Not given
	A) office of the Delhi government				
1	Cooperative societies	169	159	141	18
2	Education	48	46	45	1
3	DHS	59	59	58	1
4	Land & building	19	19	19	0
5	Transport	84	87	73	14
6	TTE	18	17	14	3
7	Industries	10	7	5	2
8	Prosecution	7	7	6	1
9	Divisional Commissioner's office	16	12	12	0
10	Services	15	14	14	0
11	Social welfare	19	16	16	0
12	Dept of Higher Education	7	6	6	0
13	Food &supplies	10	9	8	1
14	Sanjay Gandhi Memorial Hospital	10	10	10	0
15	Power	4	4	3	1
16	IN hospital	3	2	2	0
17	Central jail	2	2	2	0
18	Irrigation & flood control	2	2	2	0
19	Guru Gobind Singh hospital	2	2	2	0
20	Dept of Agricultural Marketing Board	2	2	2	0
21	Delhi Collage of Engineering	1	1	1	0
22	Administrative Reforms	1	1	1	0
23	Law and judicial	1	1	1	0
24	PAO	1	1	1	0
25	Drug control	8	3	3	0
26	Sales tax	11	7	4	3
27	GB Pant hospital	2	2	1	1
28	Health and Family Welfare	2	2	2	0
29	DDU hospital	3	1	1	0
30	ISM & H	3	2	2	0

¹⁰ K C Sharma. Assistant Director, Administrative Reforms Department, Delhi Secretariat, IP Estate.

31	Tibbia College	1	1	1	0
32	Information & Technology	1	0	0	0
33	Labour	2	1	1	0
	TOTAL APPLICATION RECEIVED(A)	543	505	459	46
B. Autonomous bodies/public Undertakings/local bodies					
34	MCD	151	148	142	6
35	DTC	66	61	49	12
36	Delhi Jal board	23	21	21	0
37	DSSSB	11	9	9	0
38	NDMC	16	16	16	0
39	DERC	2	2	2	0
40	DFC	4	3	1	2
41	DSIDC	4	2	2	0
42	IBHAS	1	1	1	0
43	Delhi Vidhyut board	259	259	259	0
44	DAMD	2	2	2	0
45	Rajya Sainik board	1	1	1	0
	TOTAL APPLICATION RECEIVED(B)	540	525	505	20
	Grand Total application received (a+b)	1083	1030	964	66

Number of applications received	1083
Number of applications disposed off	1030
Number of applications in process	53

Source: RK Sharma, Assistant Director, AR department, Delhi secretariat

There are 118 Departments, under Delhi Government.

Number of Government office under Delhi RTI Act -----76
Number of Government offices which have submitted to Administrative Reforms Department-----33
Number of Autonomous bodies/ public under takings/ local bodies under RTI Act-----42
Number of Departments which have submitted to the Administrative Reforms Department---- 12

(As per Delhi RTI Rules and Act Feb-2003, edition—3)

31 Departments and 44 offices have not submitted the Number of Applications report to the Administrative Reforms Department. Every Department has to submit Number of Application report to Administrative Reforms Department at the end of each month.

Applicants who are not satisfied with the information supplied or whose forms have been rejected, can appeal to Delhi Government's Public Grievances Commission (PGC).

Budget

The Delhi government has not sanctioned any budget for the RTI. However, the Administrative Reforms Department is using the consolidated fund for publication of advertisements, summaries, and other related works.

Publications

There is no bulletin or publication brought out by any of the departments specific to RTI. The administrative department has advertised about the RTI only twice.

Seminar

The Administrative Reform Department had conducted four seminars of which one was inter-state and the remaining were state seminars. These seminars were for the competent authorities of all departments, focussing on awareness, working, and other related matters of RTI.

Fees structure

On meeting Dinesh Diyal, Secretary of the Law Department (member of state council of RTI and who had actively taken part in the formation of the Act), we got to know that the basis for charging Rs 50 and Rs 5 as fee was the High Court issuing certificate that costs Rs 50.

In an NGO meet aimed at discussing the various problems faced by the citizens of Delhi on 31 May 2002,¹¹ one of the main things which came up was the fee structure. They came to the conclusion that high fee is the biggest obstacle faced by the citizens in exerting their right to information.

On 2 October 2002 Sheila Dikshit promised to reduce the fee. The government decided to reduce the fee for seeking information from Rs 50 to Rs 5. Also, the per page photocopy charges were to be reduced from Rs 5 per page to Rs 2 per page. However, the notification to this affect hasn't been issued as yet and is to be issued soon (according to an administrative department official)

Section 13 of the Act reads as, " the Competent Authority shall charge such fees for supply of information as may be prescribed by rules, but which shall not exceed the cost of processing and making available of the information." So charging Rs 50 and Rs 500 in itself is a violation of the Act because these amounts exceed the cost of processing.

Kinds of applications received

When I met K B Rai (Deputy Director, Administrative Reforms Department) he said, "90% of the application received are of general grievances like 'my electricity bill is proper etc". C M Sheila Dikshit, said on 7 November 2002, 'It has been exactly one year since this bill had been introduced in the capital. The analysis of application received indicated that 90% of the cases related to personal grievances, 4% of the cases were related to general policy matters.'¹⁶

Classification of application

There is no specific procedure for classification of applications.

¹¹ Recorded file of Commonwealth Human Rights Initiative.

¹⁶ Express Newline,p-4 6 November 2002

State Council

The State Council has 22 members. Out of these, 12 are government officials and 10 are non-government officials, (usually from NGOs or publishing business). The members are nominated by the government, with the Chief Minister being the chairman. According to Section 10 of the Act council members are to be nominated for a period of one year. The state council has met only twice till now, once on 6 May 2002 and then on 6 November 2002. However, in this case the same council was nominated for the second year also.

Powers of the council

According to Section 10 of the Act the council is only the advisory body. It has no authority to enforce the decision taken. In its two meetings, the council had made the following suggestions. Decentralisation of Competent Authority, amendment to 2001 rules –making a provision for inspection of documents, distribution of copies of RTI Act to various NGOs and RWAs, publicity, display of hoarding, publications, information through web sites in various languages like Hindi, Punjabi and Urdu, Grant-in-aid, revision of fee, training/ workshop, setting up of call centres, display of contract documents in selected public libraries and touch screen computer facilities.

However, no department adopted any of the reforms suggested except decentralisation and holding workshops.

Finance

All fee received by the Competent Authority is deposited in the finance department of the government under T R-5 rules.¹⁹ The government however, has not utilised this money for any work related to RTI.

Penalty clause

According to Section-6(1) of the Act, “Competent Authority shall be liable to pay a penalty of 50 Rs per day for the delaying period beyond 30 days, subject to a maximum of 500 Rs per application.”

Section-6(2) of the rule reads, ‘Where the information supplied is found to be false in any material particularly and the person bound to supply it knows or has reasonable cause to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of Rs 1,000 per application, filed under rule 3.’

“High application fee and the failure of the Delhi government to take penal action against those officials who do not provide the requisite information within the stipulated time are a major hurdle in popularising the Delhi RTI.”²⁰

The NGOs have also brought to the notice of Shiela Dikshit the delay in the processing of applications by the officials and the lack of penal action against such officials. They have emphasised on the fact that a penalty clause is essential for the RTI to succeed. In fact according to Arvind Kumar from Parivartan, the imposition of penalty is mandatory under the Act and it does not provide any discretion

Right to Information (RTI) and Right to Know (RTK)

Venkatarama Reddi J: the Super Court judgement expanding the right to freedom of speech and expression (Article-19) to include RTI were pronounced in the context of the state pleading privilege of secrecy in relation to confidential documents relating to public affairs (State of UP V/S Raj Narain, 1975 and SP. Gupta V/S Union of India, 1982) and the freedom of electronic media in broadcasting (Secretary,

¹⁹ R K Sharma Assistant Director of Administrative Reform Department, June 2003.

²⁰ *The Hindu*, High application fee renders RTI Act ineffective, p 4, July 2002.

ministry of I & B V/S Cricket association of Bengal, 1995) RTK cannot be on the same footings the right to telecast or right to view sports programs.

- (1) When RTI was expanded to include RTK the citizen's right is sought to be enforced against an individual who intends to become a public figure and the information relates to his personal matters. But this right cannot materialise without the state's intervention. The state has to make laws to compel individuals to make such information available.
- (2) Right to vote consists of two components- (a) formulation of opinion about the candidates contesting elections and (b) the expression of choice by casting a vote in favour of a candidate. Casting a vote is an act of expression. Right to vote is a constitutional right but when the voter goes to the booth to cast his vote, his freedom to express arises.

Public Grievances Commission (PGC)

Whenever any application is rejected or the applicant is dissatisfied with the information provided, he/she can go for further appeal to PGC within 30 days of rejection.

The PGC has to settle any cases registered with it within 30 days from the date of appeal. The Chairman of PGC is the deciding authority. In an interview with me P S Bhatnagar, the chairman of PGC, said "I am PGC, PGC is me" that is literally true. He added that when he receives an appeal he goes through the appeal, if it is not complicated within one week, he gives the date of hearing, to the concerned officer and to the applicant. Finally, PGC prepares an annual report (related to RTI) and then submit to legislative assembly annually.

Procedure for deciding the case

PGC sends a notice, to the grieved applicant to come on the stipulated date and time, and in the same way, PGC sends the notice to the concerned authority. On the day specified the chairman as Judge, aggrieved applicant and concerned officer will discuss the problem.

Decision will be taken by the chairman. (Actually there is one whole time member and two part time members and secretary) If the chairman allows the appeal, the concerned officer has to provide the information to the aggrieved party and if the chairman rejects the appeal, aggrieved party, will be denied the information. One of the main drawbacks of the PGC is, it has no power to impose penalty on the officer who denies the information. Another drawback, the chairman is over burdened. One of the main draw back is that one man deciding all cases, which have been filed under RTI is unfair, which is against the natural law.

Restrictions

When I asked P S Bathnagar about the restriction he said, "I deny to allow information which are mentioned in the Section 6 of RTI Delhi Act and which is not covered in the Section 2(I) definition of the Act and which are irrelevant, unnecessary information. For example asking information of promotion Section 6(g), information not of, public importance like with a view to harm some body, war books, security installation.

How can the Delhi right to information law help residents of Delhi?

Residents can use the Delhi right to information Act to obtain information that is relevant to their lives. The Act can be instrumental in the following areas;

Individual grievances

One can use the RTI law very effectively to get individual grievances resolved from any government department like the Delhi Vidyut Board or Delhi Jal Board. The grievance could be on account of anything like new connection, faulty meter, load alteration, wrong billing etc. You may like to ask some questions like

- I had submitted my grievance petition on _____ but the same remains unresolved. DVB is committed to resolve any grievance within 21 days as per office orders. Please indicate the progress made on my grievance petition till now and the reasons for the delay in attending to the same.
- By when will my grievance be resolved now?
- Please mention the names of the officials who were supposed to attend to my grievance and who have not done so, thus causing harassment to me.
- Does DVD/DJB plan to take any disciplinary action against these officials?

Community grievances

The law can be used to get any community based grievance addressed, for example one can ask the DVB information regarding frequent power breakdowns, faulty transformers, old conductors, low voltage in area, frequent load shedding, street lights not functioning or any other problem. In case of Delhi Jal Board the law can be used to obtain information on low pressure of water, polluted water, sewerage problem of your area or any other problem.

Contracts and works being carried out

In addition, the law can be used to seek details and copies of the works being carried out by the government department in your own area to see and verify whether they are carrying out the work in conformity with the specifications mentioned in the contracts. It is of paramount importance that the citizens come out and do such verifications of all the works carried out in their areas. Unless, we do that on mass scale, there is little that can be achieved by way of reduction in corruption and ensuring quality of the works.

Policy matters

The law can be used to seek details and to question government policies on various issues like privatisation. For instance one could ask the MCD information regarding education such as; what are the norms prescribed for teacher–student ratio in MCD run primary schools? – Copy of such norms. What is the working and sanctioned strength of teachers in Delhi in MCD run primary schools? What is the working and sanctioned strength of teachers in each of the MCD run primary schools in Delhi? What is the capacity and actual strength of students in each of the schools?

The above mentioned are merely examples of questions that can be asked, a person can ask information relevant to their life from any department of government.

Case study

When I met Katyal on 20 June 2003, he said, “PGC is the further eye wash of RTI Act Delhi”. There is no transparency in the Delhi government. I am working in DTC Okhla central workshop as senior manager. First I filed an application under RTI, in DTC asking to inspect the file in which R K Kasana, senior manager, had been called for the interview for the post of Deputy Chief general manager. DTC took the plea, that the information was covered under Section 6(G) and could not, be allowed to be inspected, by the application. (Section 6 (G) reads as follows “minutes or records of advice including legal advice, opinion or recommendations by an officer of a public authority during the decision making process prior to the executive decision or policy formulation.”)

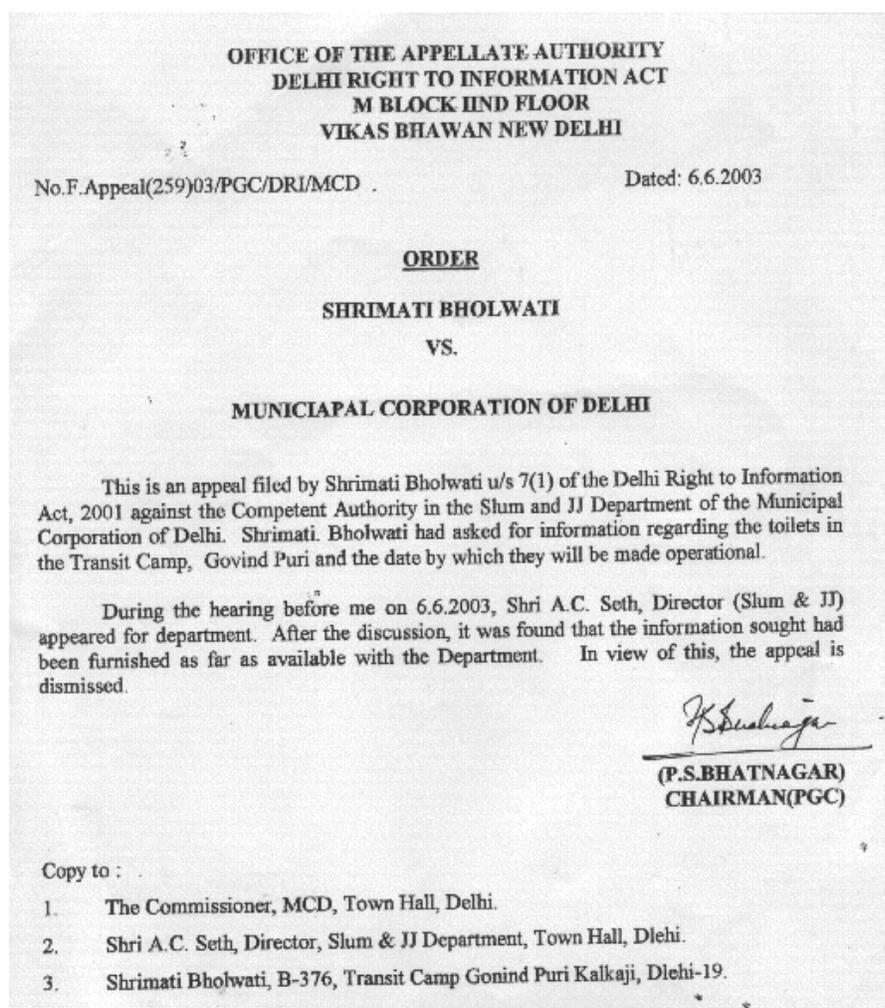
Kayla said, I went and appealed to PGC. I appeared in PGC on 30 May 2003. Dr Aradhana manager appeared for DTC. Dr Aradhana stated that process of selection for the post of Dy chief general

manager had not yet been completed and therefore, the file was covered under Section 6 (G) of the Act and on the other hand, I argued that all that I wanted to see is, on what ground Kasana had been called for the interview, but for that I did not receive any information for the Dr Aradhana. P S Bhatnagar rejected the appeal saying that, it is covered under Section 6 (G)

As a researcher of RTI, consider that, RTI has been implemented in Delhi to give transparency in the working of government, but in the above case, Katyal has been denied, the very simple information. The objective of RTI is only in the papers, but not in reality.

SAMPLE OF APPEALS REJECTED BY PGC- JUSTIFICATION ORDER

Sample:



Different kinds of justification orders for rejecting appeals in PGC

Number of Appeals

Information sought had been furnished as far as available with the Department _____ 33

The matter falls squarely within Section 6 (g) of the Act _____ 1

Applicant did not attend, spite of the notice having been sent to Applicant	_____ 19
Section 6 lays down that “Any other information protected by Law” need not to be disclosed	_____ 1
Information had been denied to the Applicant as the matter related to entry 18 of 17 Schedule of the Constitution of the India and was not covered by Delhi RTI Act	_____ 1
It is covered under Section 6 (b) of the Delhi RTI Act	_____ 4
The subject matter of the information sought is not Covered by the Definition of information and therefore The Right to that Information is apparently not conferred By the Delhi RTI Act	_____ 1
Information asked fell within the restriction contained in Section 6 (g)	_____ 4
Information asked fell within the restriction contained in Section 6 (d) and 6 (g)	_____ 4
Applicant could file a fresh application asking for specific Information	_____ 1
Roving and inspection of files was not covered under the RTI Act	_____ 1
Deployment of the security personnel within the jail is A issue which falls clearly under Section 6 (f)	_____ 1
It is difficult to find out what exactly Applicant has asked for I find no substance in the appeal	_____ 1
The request of the Applicant can not be granted as the Information sought is Just not available at present	_____ 1
Since Delhi Development Authority is not covered By Section 2 (g) of the Act	_____ 1
Total number of Appeals rejected by PGC – 74 still 6 June 2003 <i>Source: P S Bhatnagar, Chairman, PGC</i>	

Conclusion

Funds meant for development, do not reach their destination and are siphoned off in between. Rajiv Gandhi former Prime Minister once said 15% of the funds reach the beneficiaries. That is 100% true! So every citizen of this country should know, where the money has been spent. Only 5% of the Delhi populations know RTI, which is really a sad thing. "India's tragedy today is that lakhs of its files are still treated as secret, classified or restricted " says Chande Arpi.

When I met P S Bhatnagar in June 03 he said, "I feel the secrecy is maintained because, not only does it give power to the official, but because it does not make him accountable for his decisions" he adds various subterfuges are adopted. Files are classified as confidential for no reason at all. It is a question of changing the mind set. The government must move from a patron-client relationship to partnership. Officials should not look at a person, who comes to them for any work as a supplicant.

When I met, Goutham kaul A J (whole time member of PGC) he said, "democracy stops some times" because, when a Deputy Director submits a report to director of any department, he reports in such a manner as it favors the director and in same way, Director submitted the report to minister.

A strong message must be sent down to officials, that the policy is meant to be implemented firmly. Senior officers should set an example, by their curterous behavior and meet the public freely. Regular monitoring by the senior officers is bound to help. After the promulgation of the Act, it is now up to the people to demand an open government by invoking the provisions of the law.

Suggestions

1. The Act should include provision, for the speedy release of information in cases, related to life and liberty (this provision is there in Goa, Maharashtra RTI ordinance 2002 and central Act)
2. It places no obligation on private actors including corporations to reveal information about their products or activities that might have a prejudicial effect on public safety or the environment.
3. Section 6 should include time limits, mentioned in the respective office procedure of the department, information should not to be allowed to be asked, beyond this time limits
4. A clear procedure should be made for penalising the officer, who denies information.
5. Proper training and workshop to officers.
6. State council should be given power to take orders/ implementations of the decision
7. Application fees has to be reduced to Rs 5 and per page Rs 2
8. Taking out the interference of Official Secrets Act, 1923, Evidence Act 1872, the conduct of civil servants rules.
9. It fails to provide protection for whistle-blowers, who reveals corruption or mismanagement in government.
10. PGC should be given the power to penalise the officers who denies the information even after order passed by PGC.
11. A budget should be allotted to RTI, so that publicity can be made effectively.

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P.S Bhatnagar	- Chairman, Public Grievances Commission, M – Block, 2 Floor, Vikas Bhawan, New Delhi
Gautam Kaul	- Member (Whole Time), Public Grievances Commission, M – Block, 2 Floor, Vikas Bhawan, New Delhi
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 CHRI files paper
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 ‘Official secret: power sans Accountability’ Hindusthan Times, p 8, 29 March 2002
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 AIR 1972 SC 865
 AIR 1972 SC 783
 RTI documentary

Appendix

Following are the applications received by PGC since the implementation of the Act:

DEPARTMENTS	APRIL--02	MAY--02
Health	1	Nil
Home	nil	1

DVB	5	4
Land & Building	1	Nil
DJB	nil	1
Revenue	nil	1
Education	nil	1
NDMC	nil	4
MCD	2	17
Food & supply	nil	2
Social welfare	nil	1

Total appeal received April = 9

Total number of appeals received May = 32

Number of Appeals rejected for the month April and May = 0

In the month of April and May all the appeal are allowed.

Please note (According to Act Appeals should be decided within 30 days and its is done, but for the rejection of appeals, PGC takes nearly two months and in the bellow charts same procedure is followed.)

DEPARTMENT	JUNE—02
DVB	1
DJB	1
MCD	11
Food & supplies	1
Higher Education	2
Co-operative dept	2
L.G. Secretariat	1

Total appeals received	19
Appeals rejected	3

Specific Appeals Rejected	
NDMC	2
MCD	1

DEPARTMENT	JULY 02
Home	1
Education	5
Land & Building	1
MCD	17
Social welfare	1
Co-operative	2
DC. north east	2

Apples received 29

Appeals rejected 3

Specific

DVD 1

Education 1

IG Secretariat 1

Remaining all appeals allowed.

Department	August 02
DJB	2
Land & Building	1
MCD	6
Co-operative	1
Tool room & control	1
Transport	1

Total appeals received: 12, no rejection, all appeals allowed.

DEPARTMENT	SEPT-02
MCD	21
DHS	1
Co-operative	4

DC North east	2
VD	1
Planing	1
Power	1
Food & supply	6
Prison	4

Total appeals received 41

Appeals rejected

M C D 1

Department	Oct 02
MCD	5
DTC	1
TT	1
RCS	2
Prison	1
DHE	2
Prison	1
Education	1
Planing	1

Total appeals received 15

All appeals allowed

Department	November 02
TT	2
Education	5
MCD	2
Co-operative	6
DC north	2
Transport	1
Land & Building	1
DFC	1

Total appeals received 19

All appeals allowed

Department	December 02
DSSB	2

Education	1
MCD	2
DJB	1
Sales tax	1

Total appeals received 7

Total Appeals rejected

DSSB 1

Education 2

Department	Jan 03
Education	1
MCD	5
Co-operative	1
Western office society	2
DC north	1
TTA	3

Total appeals received 13

Appeals rejected

MCD 1

DEPARTMENT	FEB 03
DSSB	1
Education	1
MCD	7
Food & Supplies	1
DJB	1
Slum & JJ	1
DC Delhi	2

Total appeals received 14

Appeals rejected

Education -- 1

Slum & JJ -- 1

Department	March 03
Education	1
MCD	11
Co-operative	1
Food & Supplies	1
DJB	2
Drugs	3
Industries	1
Transport	14
DC North West	1
DC South West	1
Sales Tax	1
Social welfare	1

Total appeals received 38

Appeals rejected

Education – 1

MCD - 2

DC Delhi 1

Department	April 03
TTE	3
Education	1
MCD	21
Co-operative	2
Food & Supply	2
DJD	1
Transport	4
DC South	1
Sales tax	1
Social welfare	1
DTC	1
Delhi fire service	1
NDMC	2

Total appeals received 41

Appeals Rejections

Transport 6

NC South 1

DC north west 1

Department	May 03
DSSB	1
MCD	13
Slum & JJ	1
Transport	7
DC North west	2
DJB	1
Industries	1
RCS	7
Food & supplies	5
Sales tax	2
TT	2
NDMC	2
Education	1

Total appeals received 45

Total number of appeals received by the PGC till 5 June 2003, are 335

Total number of appeals rejected by the PGC till 30 May 2003, are 38

For every appeal PGC charges Rs 50 as fee

Rs 16,750 is deposited in the State Bank of India in Delhi government account under the heading of GPC

(Source: V S Chauhan, PGC, Vikas Bhavan, Delhi)