

## News on Right to Information

*Compiled by*  
**Ms. M. Shanthi,**  
**Manager (Knowledge Resources)**

**1<sup>st</sup> March 2010**

### **CAT results out partly, but hiccups persist**

*The Economic Times*

BANGALORE: The CAT results may be out partly, but the hiccups seem to persist. As if the delay in announcing the results was not enough, the server holding the data could not take the overload and almost crashed on Sunday, as thousands of anxious candidates tried to check their results.

Sources associated with the IIMs and CAT 2009 said that the officials conducting the exam deliberately postponed the results, as it gave them enough time to double-check the results and prepare the administration against legal action, court cases and right-to-information queries. "There is going to be lot of apprehension and a lot of candidates have now got reason that it is not a fair process," said a source.

Some people associated with CAT 2009 said that results had indeed been impacted because of the delay. R Shiva Kumar, director-research & development, Career Launcher, said that the very fact that results are being made available one month after the scheduled date is a reason good enough for many students and affiliated institutes to feel aggrieved.

A senior official dealing with IIMs said that a great number of good students had already picked up institutes which come after IIMs in ranking, as they couldn't wait for the results. "IIMs now need to work to improve their image," the official said.

Also, many students have felt a big difference in their performance due to the uncertainties with their test schedule. Moreover, there were a few slots which had an

unfair advantage in terms of repetitions in terms of questions from previous slots or questions from past CAT papers which are in public domain. "We will get to know if these have really impacted the results only when we get a complete picture of all the results," said Mr Kumar.

On the other hand, TIME director-Bangalore Ajay Arora said, "Each IIM has got its own selection criteria. However, the limited data available tells us that the results are fine." TIME's senior corporate manager Jaideep Singh Chowdhary said that it is interesting to know that marks have been given out of 450 when there were just 60 questions.

**1<sup>st</sup> March 2010**

**Judges selection process strictly confidential: Canadian CJ**

*The Times of India*

NEW DELHI: Chief Justice of Canada and the first woman to hold the post, Justice Beverley McLachlin, appears surprised by the RTI campaign in India for making public discussions in the collegium on appointment of judges to the High Courts and the Supreme Court.

Transparency in appointment of judges could be achieved by putting in place a system that inspired confidence and each country had its peculiar system, she said.

"But to make public discussions about a prospective candidate for the post of a judge is a little too much to ask for because it could unfairly harm the reputation of someone," Justice McLachlin said in an interview to TOI.

Not everyone can be as comfortable in the hot seat of chief justice of a country as McLachlin has been for the last 10 years. Well, one reason could be that the seat is not as hot as that of the Chief Justice of India, who is facing pressure from judicial right-wingers to reveal everything that goes behind administrative decisions, including the collegium's discussions on every person considered for appointment as a judge of the HC or the SC.

How comfortable is the Canadian system to Right to Information, especially relating to appointment of judges. The Canadian government selects judges from a panel of names recommended by a panel comprising judges, lawyers and laymen, the latter two categories outnumbering the former.

McLachlin said, "The process of selection and the reason for recommending or not a name for judgeship can never be disclosed. Judges selection is entirely confidential. If the discussions and process of scrutinising allegations are made public, it may discourage people from applying. For, the process must not be seen to damage the reputation of anyone unfairly."

She said judges of the Indian Supreme Court had taken a bold step to declare their assets and post it on the official website, and was planning to take this back home as a talking point.

Is judiciary the world over facing a recession in respect? The mere question scandalises her. "We judges enjoy very high degree of confidence in Canada. I think the Supreme Court of India too enjoys it in equal measure. It has taken bold steps in the fields of environment and other social issues," McLachlin said.

Did judges face difficulty in dealing with cases relating to terrorism? McLachlin instantaneously agreed, saying while dealing with terrorism, invariably there were some cases where the government agencies infringed upon fundamental rights.

"Our task as judges is to ensure that the police and other law enforcing agencies do not transgress the line, that is, they do not limit the fundamental rights beyond the required level," she said.

"It is for the government to justify its action in such cases. It is for the judges to strike the right balance between the government action against terrorism and the traditional fundamental rights enjoyed by every person. We as judges take these rights very seriously, the right to be presumed innocent and the right of a person not to be locked up for years without a very valid reason," she added.

At the core of any democratic system functioning properly is the key element of respect of each organ of governance towards the others, she said, adding the judiciary should be the watchdog for the legislature and executive to correct or strike down any of their discriminatory action.

The judges of India's top court bid goodbye to active judicial life at the age of 65. Is this too early to retire? She smiled and said it was difficult to comment in the Indian context. But, in Canada, the government felt a jurist peaked at the age of around 70 and hence put the retirement age of Supreme Court judges at 75.

**2<sup>nd</sup> Mar, 2010**

### **DVAC moves HC again for exemption from RTI Act**

The Times of India

CHENNAI: A city-based right to information (RTI) activist's year-long struggle to get information from the Directorate of Vigilance and Anti-Corruption (DVAC) is yet to see the light of the day.

While the State Information Commission as well as the Madras High Court have, separately, directed the DVAC to provide the information sought for by the applicant, V Madhav of Porur, the agency chose to move the High Court for a second time seeking complete exemption from the purview of the RTI Act.

The RTI applicant, during October 2008, wanted the agency to provide him with the number of investigations completed, the number of accused (in DVAC cases) convicted from 2003-04 to 2007-08, their names and designation and a brief description of the charges. The DVAC rejected his RTI application saying that the state government had in August 2008 exempted the agency from the purview of the Act.

The applicant then challenged it before the State Information Commission which in September last year ruled in his favour. The DVAC had to give the information since all the details sought for by the applicant were basically about cases where investigation was completed and related to post-facto information after conviction, the commission had said then.

Aggrieved over the ruling, the DVAC went on appeal to the High Court where a single judge bench on January 12 this year endorsed the commission's views and held that the DVAC as per the provisions of the RTI Act was bound to furnish the information and could not claim for a blanket exemption under the pretext of the government order.

However, the DVAC seems to be determined to continue its legal battle so as to avoid coming under the purview of the RTI Act.

During last week, the agency filed its appeal again praying to the High Court to set aside its judgement delivered in January. In the present appeal, the DVAC argued that furnishing the information sought by the applicant, would affect the parties involved in either criminal cases or departmental proceedings. It would also affect the intelligence gathered and information maintained by the agency, the agency claimed.

The appeal is expected to come up for hearing in a week. The DVAC's move gains significance since the state government had come in for strong criticism from RTI activists and groups when it had granted exemption to the DVAC and Chief Minister M Karunanidhi himself came out with a statement saying that the government had not given complete exemption to the DVAC.

[jeeva.pugazvendan@timesgroup.com](mailto:jeeva.pugazvendan@timesgroup.com)

**2<sup>nd</sup> March 2010**

**Details on Dinakaran elevation 'confidential': Supreme Court**

*The Hindu*

The Supreme Court has refused to disclose details regarding the decision on elevating Karnataka High Court Chief Justice P.D. Dinakaran to the Supreme Court, which has since been stalled following allegations of land grab against him.

"I write to inform you that the information sought by you is confidential and is exempted under section 8(1)(e) of the Right to Information Act, 2005, you have no right to access the said information under section 2 (j) of the Right to Information Act, 2005," Additional Registrar Raj Pal Arora said in a reply to an RTI application seeking details and file notings of the decision to elevate Justice Dinakaran to the Supreme Court.

Section 8 1 (e) of the RTI Act exempts from disclosure the information under fiduciary capacity and Section 8 (1) (j), exempts personal information from disclosure.

RTI activist Subhash Agrawal had also sought to know whether the Chief Justice of India had consulted his colleagues "conversant with the matters of a High Court", as recommended by a nine-member bench of the Supreme Court in 1993 on the appointment process, while recommending the name of Justice Dinakaran.

The bench had said, "In matters relating to appointments in the High Courts, the Chief Justice of India is expected to take into account the views of his colleagues in the Supreme Court who are likely to be conversant with the affairs of the concerned High Court".

The RTI reply said, "you are also informed... the Supreme Court... has stayed the directions of the Central Information Commission for disclosing the information relating to the appointment of judges and the said matter is still pending."

“Further, as the information is not held by or under the control of the Central Public Information Officer, Supreme Court of India, your request cannot be acceded to under the Right to Information Act 2005,” it said.

Mr. Agrawal had asked whether Justice Markandey Katju, Justice S. Sirpurkar and Justice A.K. Ganguly were consulted by the Chief Justice of India while recommending the name of Justice Dinakaran for his elevation to Supreme Court.

**2<sup>nd</sup> March 2010**

### **Police fail to check use of parking areas by hotels**

*The Times of India*

PUNE: About three years ago, the Pune police headquarters had issued a circular to all police stations in the city telling them to prepare a report on use of parking area by restaurants, hotels and lodges.

The aim was to find out if the parking area was misused and take action against the guilty. The circular also stated that all hotels must display maps of their hotels at a visible place. However, no such report has been prepared as also the hotel owners have not displayed any such maps.

When contacted, Anant Rokde, deputy commissioner of police (headquarters), said that he has no idea of any such circular been issued, nor has such a report been prepared. Though the circular was issued by the then in-charge of the same department, Rokde expressed ignorance about the matter.

Shantaram Kunjir, a member of Sambhaji Brigade, who sought the circular under Right to Information act said the order was indeed issued but never implemented by any of the police stations in the city.

“It is clear that the authorities are hand-in-glove with the illegal establishments. If the police inspectors had indeed gone ahead with their inspection to find out what the parking space is being used for, they would have known that most of these spaces are misused. What more, they would have known that many hotels are operating without licences,” Kunjir said.

The circular states: “Every hotel licence holder must display at a prominent place, the map of the use of their hotel area, which will include the parking space. The police inspectors must ensure that this is done and submit a detailed report about the same. This kind of inspection must be done from time to time, and action must be taken if it is found that the parking area is misused.”

However, a senior police official said that this kind of work should not be expected from the police as it is the job of the Pune Municipal Corporation to keep track of parking area misuse.

**2<sup>nd</sup> March 2010**

**Shammi Kapoor not good for any Padma; Paes denied Padma Bhushan**

*The Hindu*

Bollywood legend Shammi Kapoor may have yodelled his way into a million hearts, and won the 2009 Dadasaheb Phalke award for “lifetime contribution” to Indian cinema. But the man, celebrated as India’s Elvis Presley, missed the cut for the 2010 Padma Awards despite being recommended by the government-appointed Padma Search Committee.

This information was disclosed on February 24 to Subhash Chandra Agrawal, who filed an RTI (Right to Information) application with the Home Ministry seeking to know the procedure adopted for this year’s selection.

The Padma Awards Committee, the final arbiter, deleted Kapoor’s name from the Search Committee’s shortlist of 24. Also dropped were the names of tennis star Leander Paes, Drupad singers the Gundecha brothers, and painter S.G. Vasudev. Kapoor, the Gundecha brothers and Vasudev have never got a Padma award, while Paes, who recently won his 11th grand slam title, received the Padma Shri in 2001. Paes’ inclusion in the Search Committee’s shortlist implied an upgrade to Padma Bhushan.

Interestingly, the Search Committee also recommended the names of music composers A.R. Rahman and Ilaiyaraaja, actor Rekha, and Nobel laureate Venkatraman Ramakrishnan. All four made it to the Padma list.

The Search Committee, comprising senior bureaucrats, was constituted by the Centre with the idea that deserving candidates should not miss out on the Padma honours for want of a recommendation. Its shortlist was to act as the starting point for the Awards Committee. However, the Awards Committee accepted only 12 of the 24 names given to it.

Kapoor, now 78, ruled Hindi cinema for much of the 1960s and 1970s, and popularised a style of dancing that has since spawned many imitations. In a career

spanning over five decades, he won four Filmfare awards, besides numerous lifetime achievement awards.

The Gundecha brothers are considered the nearest equivalent to the Dagar brothers. They run an international school for Drupad singing in Bhopal and have been honoured with the Dagar Gharana Award.

Vasudev is an artist of international eminence. In 1967, he won the Lalit Kala Academy's National Award, and in February this year, he was conferred the prestigious KCS Panikker Award instituted by the Kerala Lalit Kala Academy.

**3<sup>rd</sup> March 2010**

### **Govt may still have to rework food security bill**

The Times of India

NEW DELHI: The final word on the Food Security Act may not have come as yet. Even though the empowered group of ministers (EGoM) has decided the shape of the pending UPA-2 flagship scheme, sources suggested that the Congress leadership could assert itself just the way it was done with the NREG legislation, and intervene to rework the bill.

The EGoM headed by Pranab Mukherjee had, as TOI reported earlier, taken several decisions on the Bill contrary to the suggestions made by Congress president Sonia Gandhi's note to the PM suggesting the key possible features of the Bill.

The initial discussion note of the food ministry, which is piloting the bill, along with the EGoM decisions taken after a wide array of inputs from the states and the central ministries, had diverged at several points from the Congress leadership's point of view.

Sources said a similar situation had arisen even during the formulation of the National Rural Employment Guarantee Scheme.

Sources said while the draft to be put out for public discussion by the food ministry after discussion in the EGoM may reconcile many of the existing differences, others could be addressed at a higher and later stage within the government.

Heated deliberations over NREGA within the ministries had at one point led the government to suggest that the key elements of the Act should be kept outside the main law and embedded in the rules and regulations. A similar decision was taken in the last meeting of the EGoM over the food security Act. The group had decided that details of the bill should be spelt out only in the schedules, rules and notifications from time to time. Sources said the suggestion had been to keep even the cost at which the subsidized grains would be provided to the poor outside the bill to provide flexibility on the matter.

Sources said while it was expected that regular bureaucratic talks would try to reduce the elements that can become a 'legal guarantee' to a lower limit, the Congress party, just as in the case of the Right to Information Act and NREGA, had taken a wider view. This, they pointed out, had also found reflection in the Congress leader's note to the PM.

In the case of the Food Security Act though, the government could have more to settle than just itself and the party high command's wishes.

The Supreme Court has appointed commissioners on food issues and has previously passed orders demanding that each poor get 35 kg of grain every month and not 25 kg as the party had promised in its manifesto. While the government is wary of both the costs and the logistical needs of securing foodgrain supply and the party is also now wishing to limit itself to only 25 kg, it will need to also work out the implications of the court orders on the case.

**3<sup>rd</sup> March 2010**

**Make blacklist accessible under RTI: Congress MLA**

*The Indian Express*

Chandigarh : Congress legislator Jassi Khangura has urged the Union government to make the 'blacklist' — which prohibits certain people living abroad from entering India — accessible under the provisions of the Right to Information (RTI) Act. He said these people, mostly Sikhs, had the right to know the principal reason for their inclusion in the list. "Specific information may be withheld, but at least the category of offence or allegation should be made available," he said. In his letter to Prime Minister Manmohan Singh, the MLA suggested a multi-pronged approach to deal with 'blacklist' cases. Addressing the media here, Khangura said there was a need to set up an appeals process, preferably through an appellate authority, for such cases.

**5th March 2010**

**MBA aspirants file RTIs, may move court**

*Business Standard*

Even as many students got calls from the Indian Institutes of Management (IIMs) and other business schools for personal interviews and group discussions, many others are upset with their low scores in the Common Admission Test (CAT) and are raising a “transparency” issue with the institutes, besides mulling legal action.

The IIMs were just recovering from the uproar over technical glitches during the CAT. Now, at least five students have filed applications under the Right to Information (RTI) law. More are said to be in the offing. Students that Business Standard spoke to did not wish to be named, but said they are also in discussion with lawyers. More, some IIM professors are said to be lending support to the entire initiative, as they were themselves not happy at the manner the first computer-based CAT had been conducted.

The issue largely revolves around the lack of transparency in the marking scheme and lack of access to details on the test papers. A few faculty members of a test-preparing institute, who also took the CAT exam, said their score was as high as the 90th percentile, though they did not attempt most questions. “We have a team of people who take the exam from our institute. We divide the sections among us and attempt only that. So, many of us just attended one section, but have ended with scores as high as the 86 to 90 percentile. We are sure this has happened to students across the board,” said a faculty member from one such institute.

“IIM professors have told us to go ahead and file a complaint, as none is coming forward with an explanation on the procedure they used to score us. Besides, Prometric (the agency conducting the test) has also not been helpful in removing our doubts,” said a student, who said he had scored highly in the US-administered Graduate Management Admission Test (GMAT) but not in CAT, “despite it being an easy paper”.

After IIM-Ahmedabad said it had replaced its admission procedure from a point-based system to one with more weightage to class X and XII marks, students have been upset about not having been informed earlier. A CAT candidate said, "It is unfair of IIM-A to change the admission procedure after the results, although they may have the right to do this. The entire CAT 2009 had been a shock for us and this only makes matters worse for us."

"Many are not happy with the results, as some of them have scored as high as 99.2 per cent in XAT (test for admission to XLRI and XIMB) and only around 96 per cent in CAT and are getting calls from top business schools but not the IIMs. Also, it is unfair for the IIMs to change their admission process at this time," said Gautam Puri, vice-chairman, Career Launcher.

"We don't try to search for different permutations and combinations by excluding a particular criterion like Class X or XII scores while screening candidates, as we do not want to come across as biased. Instead, we feed all the pre-requisites of selection criteria into a system and send call letters to all those who fit the eligibility criteria. As for replacing the point-based system of gauging academic performance with a straight 70 per cent score in Class X and XII exams, the move was to simplify the whole process and not discriminate any student," explained Diptesh Ghosh, chairpersons-admissions of IIM-A, in response to the allegations.

Students, meanwhile, have also written a letter (signed by over 100 students) to the IIMs and faculty members on the issue. "Prior to the CAT examination, IIM authorities had categorically stated that the difficulty levels across papers in a slot were consistently maintained by generating a large number of questions of equal difficulty to establish equivalence; but now have introduced a vague term in the scorecard, 'Psychometric equivalences' to adjust for the difficulty levels. There seems to be a contradiction. We students are confused to see such a marking scheme introduced without prior notification before the exam and till now, no explanation has been given from the IIMs or Prometric," states the letter, among other things.

“It is the right of the candidate to know about the changes in marking scheme, if any, prior to the examination. None of the IIMs or Prometric informed us regarding differential marking. IIMs were following only equal marking all this while. In the absence of the appropriate information regarding the changes in the examination and evaluation pattern, many serious candidates are now in a state of shock and disbelief. At the same time, many low-scoring candidates have expressed their surprise on the high scores,” said a student from Delhi.

“If the IIMs and Prometric are sure of their methodology and calculations, please make the detailed scores of each candidate public. Let there be no doubt in the minds of the students, by making each parameter of CAT 2009 transparent,” asserted another student.

**5<sup>th</sup> March 2010**

**PM Manmohan Singh, Sonia 'differ' on amendments to RTI Act**

*The Times of India*

NEW DELHI: Prime Minister Manmohan Singh and Congress president Sonia Gandhi have reportedly exchanged correspondence over the issue of amendments to the RTI Act in the context of several court rulings including one related to the Chief Justice of India.

Gandhi wrote a letter to Singh two months back that she is of the firm opinion, like that of the NGOs, that there should be no amendments in the the Right to Information(RTI) Act and the existing Act should be properly implemented, according to a private news channel report.

The Prime Minister in his response said there is a need for RTI amendments but all stakeholders will be consulted before any changes are made, the channel reported.

The proposed changes in the RTI Act being considered include the need to exempt the office of Chief Justice of India from the purview of the RTI Act.

Chief Information Commissioner Wajahat Habibullah said that the consensus of the Commissioners was there is no need to bring about amendments saying the existing laws could be strengthened by amending the rules.

The rules certainly need to be strengthened but not the laws, he added.

The Delhi High Court in January had upheld its single bench order that the office of the Chief Justice of India comes within the purview of the RTI Act and details of judges assets should be revealed under that.

**5<sup>th</sup> March 2010**

**Rs 3,196-cr draft budget has security, monorail on mind**

*The Times of India*

PUNE: The February 13 blast at German Bakery that took 17 lives and brought the city up-close to terror has had a deep impact on the Rs 3,196.12-crore draft budget for 2010-2011 tabled by outgoing standing committee chairman Nilesh Nikam on Thursday.

Installation of closed circuit television cameras in the busy parts of the city, new fire stations and more ambulances to handle crises have been recommended by the draft budget.

Nikam has mooted the monorail project to address the city's transportation needs. The other highlights include an innovative scheme to provide emergency financial help to accident victims and allocations for a Right To Information library where citizens can access information under one roof.

While Rs 1 crore has been allocated for crisis management, a Rs 1.80 crore provision for fire stations and a Rs 40 lakh funding to increase the ambulance fleet have been made. "We must get ready to combat any crisis. Security of the city and its citizens is top priority and the PMC will perform its duties," said Nikam.

The committee set aside Rs 25 crore for a monorail and Rs 25 crore for the Pune Mahanagar Parivahan Mahamandal Limited.

"We have taken a comprehensive review of the income and expenditure to present the Rs 3,196.12-crore budget. Municipal commissioner Mahesh Zagade had presented a draft budget of Rs 2,910 to the standing committee. We have increased revenue targets for octroi, general, property and water taxes and development charges. They are achievable if the civic administration improves its efficiency to collect revenue," Nikam told reporters on Thursday.

Zagade's draft budget had proposed a steep hike in octroi, water charges and other

municipal taxes stating that the increase was imperative to mop up funds for major development projects worth Rs 1,634 crore.

The standing committee and the GB have already passed the 11 per cent tax hike proposed in the 2010-11 civic budget which will be implemented from April 1. Accordingly, the 11 per cent hike in the service tax structure will be brought into effect, as will a steep hike on property tax for the IT sector and charging of octroi on gold and silver on the basis of Value Added Tax.

Zagade had stated that he wanted to change earlier trends of inflated budgets to present a realistic budget based on the actual income sources. However, Nikam's draft budget is inflated by Rs 286 crore.

"We have not inflated the budget based on unrealistic figures. The revenue targets have been increased, but we are providing the infrastructure and manpower to the civic administration to meet these targets," said Nikam.

#### Landmark budgets

The civic body crossed the Rs 500-crore mark in 2001-2002 for the first time. The next milestone came in 2005-06, when the then municipal commissioner tabled a Rs 1,273-crore draft budget. In 2009-10, the general body approved a Rs 3,027.41-crore budget.

Standing committee chairman Nilesh Nikam has proposed an outlay of Rs 1,987.43 crore for capital and development works in his draft budget.

#### The key allocations

##### Projects Proposed Allocation

Roads, traffic, bridge, Rs 482.33 river improvement

Water supply and projects Rs 141.07

Sewage treatment Rs 84.41

Solid waste management Rs 106.25

Public transport and special Rs 88.75 projects

Ward level works Rs 122.40

(figures in crores)

Privatisation of octroi?

Octroi being a major source of revenue, the standing committee has set a collection target of Rs 912 (29 per cent of the total income). The standing committee has discussed privatisation of octroi collection to curb irregularities and increase the revenue. "As per the discussions, start-operate-transfer can be an option for octroi collection," said standing committee chairman Nilesh Nikam. The octroi department will get a provision of Rs 10 crore to install scanning machines and tracking systems. "We are also increase the staff in the octroi department," said Nikam.

Moves to rake in the moolah

- \* Cash award for persons informing about octroi evasion
- \* Arbitrator to settle water tax and property tax disputes; Rs 100 crore expected from settlement of disputes.
- \* Cash award for those giving information about unassessed property.
- \* BOT system for sky sign advertisements.
- \* Efficient collection from MSEDCL and cable companies for digging up roads to lay cables; Rs 100-crore dues to be recovered this year.

**5<sup>th</sup> March 2010**

**RTI: PM, Sonia exchange notes**

*The Hindu*

Prime Minister Manmohan Singh and Congress president Sonia Gandhi have reportedly exchanged correspondence over the issue of amendments to the Right to Information Act in the context of several court rulings, including one related to the Chief Justice of India.

Ms. Gandhi wrote to Dr. Singh two months ago that she was of the firm opinion, like that of NGOs, that there should be no amendments to the RTI Act and the existing one should be properly implemented, *NDTV* reported on Thursday night.

The Prime Minister, in his response, said there was a need for RTI amendments but all stakeholders would be consulted before any changes were made, the channel reported.

**6<sup>th</sup> March 2010**

**Activist files RTI application with PMO**

*The Hindu*

Rights activist Subash Chandra Agrawal has filed an application before the Central Public Information Officer, Prime Minister's Office (PMO) seeking complete information together with related documents/correspondence/file notings on the Congress president Sonia Gandhi's reported opposition for amendments to the Right to Information Act.

Mr. Agrawal filed the application following reports about differences between Prime Minister Manmohan Singh and Ms. Sonia Gandhi on amendments to the RTI Act. There was stiff resistance from rights activists on the proposed changes in the Act. The government was reported to have put on hold the amendments after the intervention of Ms. Gandhi, who wrote to the Prime Minister about the apprehension of the activists that the proposed changes would lead to dilution of the Act.

The applicant sought the following details: "Is it true that Prime Minister Manmohan Singh has received some letter from UPA Chairperson Smt. Sonia Gandhi opposing any amendments to 'Right To Information Act'?; If yes, please provide a copy of the said letter and a copy of the reply by Dr. Singh; Copy of proposed changes in RTI Act; Information on action taken on his letters dated October 26, 2009 and December 12, 2009 addressed to the Prime Minister and; File notings on movement of this RTI petition as well. "In case query relates to some other public authority, transfer this RTI petition to CPIO there under section 6(3) of the RTI Act."

**6<sup>th</sup> March 2010**

**Deputy Commissioner issued notice for refusing information under RTI**

*The Hindu*

In the first such case of its kind facing the Delhi Government, Information Commissioner Shailesh Gandhi has issued a show cause notice to a Deputy Commissioner seeking his explanation in a case of “dereliction of duty.”

In the order issued on Friday, which came in a case of short-listing non-government organisations for a Bhagidari project, the Information Commissioner has directed the First Appellant Authority and Deputy Commissioner (Central District) Akash Mahopatra, to send his explanation to the Commission before March 30 on “why the Commission should not recommend disciplinary action against him for dereliction of duty.”

The order assumes significance as disciplinary action is resorted to as a measure of last resort and fines up to Rs.25,000 are first imposed against officials.

In the immediate case, the appellant, Abha, a resident of Pushp Vihar, had in August 2009 sought information on the role of a district project officer, Sangeet Gaur, in the selection of non-government organisations. She had also asked of the office of the Deputy Commissioner if it had received any complaints against the DPO’s alleged corrupt activities and if so had demanded copies of the complaints. Also, she had asked if any complaints had been received then what action was taken. To this the Public Information Officer had replied that the query was “not applicable.”

To her demand to provide all copies of the minutes of the selection committee, the PIO had stated that the “file is not available with Additional District Magistrate or DPO. Staff of DC Personal Branch declined to give copy of the file notings.”

The appellant then made the first appeal and when it was not heard, she made a second appeal. In his order, Mr. Gandhi noted that “the appellant states that he has filed the first appeal on August 21, 2009, vide diary no-2842.” There, he said, the

First Appellate Authority, Mr. Mahapatra, “appears to be guilty of dereliction of duty since he had not passed any order in the matter”.

Mr. Gandhi said denial of information under RTI can only be given under exemptions of Section 8(1) of the RTI Act. He also took serious note of the manner in which the appeal was allowed to be treated by an accused official herself.

“The deemed PIO in this case is Ms. Sangeeta Gaur who has signed the letter providing the information to the Appellant. The PIO informs the Commission that Ms. Sangeeta Gaur was a contracted employee. It is not proper that contracted employees start giving information under the Right to Information Act,” the order said.

**6<sup>th</sup> March 2010**

### **Move afoot to exempt CJI from RTI Act**

*The Economic Times*

NEW DELHI: The Manmohan Singh government seems to be disinclined to get into a tussle with the higher judiciary. A proposal to exempt the office

of the Chief Justice of India from the purview of the Right to Information (RTI) Act is under the government's consideration.

With the prime minister stepping in to back amendments to the Act, the Department of Personnel and Training (DoPT) and law ministry are likely to be on their toes to explore the possibilities of making the changes.

However, with BJP and Left parties strongly opposed to any dilution of the Act, the government may run short of numbers for passage of the amendments in the Rajya Sabha. "Why should the Chief Justice of India be excluded? What is the justification in it?" asked CPI MP D Raja on Friday.

Mr Manmohan Singh has reportedly backed changes in the RTI Act "to address the concerns of the judiciary." He said that keeping the CJI office out of its purview will secure confidential information related to the appointment of judges and higher administrative decisions from public scanner.

CJI K G Balakrishnan had written to the prime minister seeking exemption from the RTI Act in certain matters. However, Congress president Sonia Gandhi is understood to be averse to changes in the Act, which was one of the UPA's key legislation.

The Delhi high court in January had upheld its single bench order that the office of the Chief Justice of India comes within the purview of the RTI Act and details of judges assets should be revealed under that. The Supreme Court now has around a week to challenge the HC judgement. The Delhi high court had given petitioners a 60-day deadline to challenge the ruling.

Besides the proposal to keep CJI out of the Act's purview, the amendments proposed are disallowing discussions on policy decisions to be made public and permitting frivolous queries.

**7<sup>th</sup> March 2010**

## **Amending RTI won't help govt, judiciary**

### *Daily News Analysis*

The genesis of the government becoming allergic to the existing Right to Information (RTI) Act can be traced to the day when the Central Information Commission took head-on the ministry of personnel, which is in charge of the entire senior bureaucracy of the country.

It wouldn't be correct to say that the Centre's zeal in changing the laudable law has been tailored by a series of judgments that has brought the superior judiciary within the purview of this transparency and accountability-centric legislation.

No doubt, the government has gained strength with the superior judiciary. The judiciary had stayed put on its ivory tower for too long. But it started fumbling when it was asked to disclose vital information like selection process of judges, assets of the judges and communication between the Chief Justice of India with other functionaries who are squarely covered by RTI.

That UPA chairperson Sonia Gandhi had shown her dislike for the government's obduracy in amending the law in order to suit the needs of secrecy-loving bureaucracy and judiciary is a matter of satisfaction for the concerned citizens.

The symptoms of RTI becoming an eyesore for the government started in December 2008 when CIC indicted the weighty cabinet secretary (CS) and the department of personnel and training (DoPT) for using dilatory tactics in imparting information.

"No level in government is higher than the provisions of an RTI Act passed by parliament," the CIC had warned. "The commission views the attitude of the DoPT and CS with some concern as they not only made wrong statements... but had taken recourse to dilatory tactics in providing the information... In fact, the issue boils down to an authority like the Cabinet Secretariat going against the sanctity of the very Act itself," it had added.

The government's insistence on protecting itself and superior judiciary from the transparency law makes it a suspect in everyone's eyes.

**7<sup>th</sup> March 2010**

**CJI under RTI: SC ready with appeal to itself**

*The Times of India*

The Supreme Court is set to file an appeal to itself against the January 12 judgment of the Delhi High Court, which said that the office of Chief Justice of India (CJI) falls within the ambit of the Right to Information (RTI) Act.

Officials in the apex court Registry declined to confirm or deny the development, but sources within the judiciary told The Sunday Express that the decision to appeal was taken by the CJI just before the Holi break. The appeal is likely to be filed early next week. The window to appeal closes March 12.

Sources said the appeal, drafted by Supreme Court lawyer Devdutt Kamat, has already been cleared by the CJI and the Supreme Court Registry. It is learnt that the CJI discussed the issue with some senior judges. Attorney General Goolam E Vahanvati will be asked to argue the SC case.

Sources said that among other things, the appeal seeks an immediate stay on the judgment of the Delhi HC, and asks the apex court to set it aside on the ground that the HC erred in holding that correspondence between the CJI and other members of the higher judiciary could be sought under the RTI Act.

**7<sup>th</sup> March 2010**

## **IIMs, students spar over CAT score method**

### *Business Standard*

More than 20 RTIs filed.

It's akin to a boxing match. On one side of the ring stand the Indian Institutes of Management (IIMs) backed by Prometric — the institute which implemented the computer-based Common Admission Test (CAT). On the other side of the ring are students who have the support of test-preparing institutes.

Both sides are sparring over the methodology used for the CAT scores which enable MBA aspirants get into the IIMs and other prominent B-schools. While the IIMs and Prometric maintain that the scores are fair to students, the other is not amused and is raising a “transparency” issue.

Over 20 right to information (RTI) applications have been filed across the country till date by students, and many more are expected, say students and faculty members of test-preparing institutes.

In its defence, Prometric has even put up a statement on the CAT IIM website: “We have reviewed the test scoring and we are completely confident that the results are appropriately distributed across the population, and that the test performed well within international standards. We are absolutely confident that the scores and rankings are accurate,” asserts Soumitra Roy of Prometric India. The statement added that candidate concerns will be addressed by Prometric’s candidate care centre.

But the student community is insisting that it wants “the IIMs and Prometric to come clean on the whole issue and be transparent”. “We want to know what action has been taken on people who had cheated and the database used to equate scores across different question sets,” said a student who has filed two RTI applications.

Prometric also states that the CAT test development process was conducted in alignment with the Standards for Educational and Psychological Testing. It adds that

the content of the examination was developed and confirmed by individuals with high levels of expertise in each of three content domains — Verbal, Quantitative, and Data Interpretation. Post-administration analysis was conducted by “credentialed psychometricians to confirm the validity of the examination scores and to ensure that every candidate was provided a fair and equal opportunity to display their knowledge”.

“Candidates are not awarded inappropriate points for random guessing. This is a standard process in the testing industry and is a methodology employed in scoring similar admissions tests such as the Graduate Record Examination (GRE),” Prometric states.

“Step one is the same as it was for the paper-pencil test. But we have a problem with step two. Unlike in GRE, there was no time limit attached to the sections. How do you equate 24 sets of question papers with different levels of difficulty? The process of equating is not explained. The students have an issue with sectional scores, which needs to be explained,” counters Gautam Puri, vice-chairman of Career Launcher.

“As would be expected with the more difficult CAT exam, no candidate answered 100 per cent of the items correctly and no candidate achieved the top theoretical score. The exam design accomplished the goal of identifying the top performing candidates who were, indeed, ranked at the top of the list. If the exam were designed to be substantially easier, it would be theoretically possible for a candidate to achieve a score of 450,” states Prometric in its defence.

Students and test-preparing institutes, however, are not backing out.

**7<sup>th</sup> March 2010**

## **SC to appeal before itself over RTI row**

### *Daily News Analysis*

New Delhi: The Supreme Court would file an appeal before itself in the next few days challenging the judgment of Delhi high court holding that the office of the Chief Justice of India (CJI )came under the ambit of the RTI Act.

The appeal, though drafted more than a month ago, could not be brought on record before the registry due to a technical glitch but the same would be formalised after the court reopens on Monday after a week-long Holi recess, official sources told PTI. The sources said that CJI KG Balakrishnan had consultations with other apex court judges on the issue and the grounds taken by it in the appeal are identical to the stand taken in the high court that disclosure of information held by the CJI would hamper independence of judiciary.

Attorney general GE Vahanvati would argue the matter on behalf of the apex court registry when it is listed for hearing shortly.

Sources said the apex court would seek a stay on the operation of the high court direction and would plead for referring it to a larger bench or the constitution bench.

The sources said the appeal was filed after much deliberations as initially there were differences among the apex court judges on whether to go for an appeal or not.

In a path-breaking verdict, the Delhi high court had on January 12 held that the office of the chief justice of India comes under the purview of the RTI Act and rejected a Supreme Court appeal saying judicial independence is not a judge's personal privilege but a responsibility cast upon him.

The verdict was being seen as a setback to Balakrishnan who has consistently been maintaining that his office does not come under the transparency law and hence cannot part with information like disclosure of judges' assets under it.

Holding that CJI is a public authority under the Act, a full bench of the High Court headed by chief justice AP Shah said judges of the superior courts should make public their assets as they are not "less accountable" than the judicial officers of lower courts who are bound by service rules to declare assets.

The bench dismissed the plea of the Supreme Court which had vehemently opposed bringing CJI's office within the purview of the Act on the ground that it would encroach into its judicial independence.

"Judicial independence is not the personal privilege or prerogative of the individual judge," the Bench had said in its judgment.

**8<sup>th</sup> March 2010**

**Turn the page**

*The Indian Express*

Reports suggest that the Supreme Court is preparing to appeal the January 12 decision of the Delhi high court placing the office of the Chief Justice of India within the ambit of the Right to Information Act. In the aftermath of the Delhi HC decision — itself a three-judge affirmation of a single-judge HC order — legal experts such as former Chief Justice J.S. Verma had urged the SC to not appeal. For the apex court to sit in judgment over its own fate would make for an unseemly spectacle. Reports indicate that the SC thinks otherwise; an appeal is likely to be filed.

The immediate consequence of the Delhi HC judgment was on judicial assets. In 1997, a “restatement of values on judicial life”, passed by a full court of the SC, stated that judges would declare their assets to the chief (information that would be held in the CJI’s office). By holding that this 1997 declaration was mandatory and that the CJI’s office was under the RTI Act, the Delhi HC ensures that the public have a right to know what their judges own. (Last November, SC judges made their asset details public, but insist it is voluntary.) The Delhi HC judgment also makes a larger point: on judicial accountability and the principle that no one is above the law. That a lower court could find against the world’s most powerful was a healthy sign of intra-judicial independence.

An appeal by the SC will have implications for that larger point. On the narrow question of judicial assets, the executive seems to have finally grasped the ball. The UPA government is planning to introduce the Judges (Standards and Accountability) Bill, which, reports suggest, will give statutory teeth to the 1997 Supreme Court resolution, with or without a court judgment to back it up. Certainly, the Delhi HC judgment goes beyond just the disclosure of judges’ assets. But at a time when a breeze of greater transparency is blowing through the executive and the legislature too — a breeze that’s been given velocity by the courts — the higher judiciary would have to make a considerably stronger case for being kept apart.

**9<sup>th</sup> March ,2010**

**Central Excise Dept asked to divulge sensitive data under RTI,  
pay one lakh penalty**

*The Hindu*

The Central Information Commission, in an important order, has directed the Central Excise and Customs department to provide "sensitive" information relating to loss of revenue in the department to an appellant under the Right to Information Act.

It has also directed complaint proceedings to be initiated against the respondents under section 18 of the RTI Act. In addition to the above, the CIC has directed proceedings under section 19 (8) (b) of the act for Rs.1,00,000 in compensation to the applicant.

A Jabalpur resident P. K. Agrawal had sought information from the department in the year 2006 regarding loss of revenue. After being refused information by the Central Public Information Officer (CPIO) and the Appellate Authority (AA), he filed an appeal in the Central Information Commission in November last year.

The CPIO Md. Israil had refused the information sought by the appellant on the grounds that the information sought was motivated by individual interest and not public interest. Subsequently the appellant filed an appeal with the AA, who directed the CPIO to re-examine the appellant's request afresh and pass a speaking order.

Interestingly, the CPIO refused information again, though for different reasons, stating that the information sought was being investigated and providing such sensitive information could hamper the pace and direction of investigations.

The AA upheld the CPIO's order which led the appellant to file an appeal before Customs & Central Excise Additional Commissioner Rajkumar, under Section 19(1) of the RTI act for not providing information for examination required under Section (6)(1) of the act.

On November 4, last year Mr. Rajkumar rejected the appeal on the grounds that he had no authority to direct the commissioner to provide information as he was junior to the said Commissioner.

Finally, on December 15, 2009 the appellant filed an appeal before the Central Information Commission (CIC).

The CIC, in its order dated February 18, 2010 for the case P. K. Agrawal Vs. Central Excise, Customs and Service Tax Raipur, concluded that both the CPIO and the AA had failed to discharge their duties under the RTI Act.

The order observed that “the CPIO, Md. Israil had not responded to the appellant's RTI-applications. Appellant received no reply from the AA too as his first appeals, both dated September 29,2009 against deemed refusal of his RTI-applications, were rejected by AA, Sri Raj Kurnar on the ground that the appellant had demanded the direction to be issued to Commissioner, Central Excise, Raipur, who was senior in rank to the AA”.

Information Commissioner A. N. Tiwari directed the CPIO to “refer the RTI-request of the appellant to the holders of the information/deemed CPIO - regardless of whether the deemed CPIO is senior to the CPIO or the AA - obtain their response and transmit it to the appellant, within three weeks of the receipt of this order”.

**9<sup>th</sup> March 2010**

**Over one lakh liquor bottles mount up at police stations**

*The Indian Express*

Even Bacchus — the Greek God of liquor and intoxication— may be taken by surprise when the statistics pertaining to the amount of liquor stored in different police stations as case properties is revealed.

The total number of liquor bottles lying in different police stations of the city touches a whopping 70,625. These bottle— seized under the Excise A—have been lying at police stations as case properties is revealed.

The total number of liquor bottles lying in different police stations of the city touches a whopping 70,625. These bottle— seized under the Excise A—have been lying at police stations as case properties. Some of these have been lying for over 20 years.

Information received under the Right to Information Act reveals that apart from the 70,000-odd liquor bottles, there are 2,381 half bottles and 12,869 quarters or nips stocked in all police stations put together. The number of pouches seized by the police adds up to 12,834. Date for the Sector 31 police station, however, is not available.

The maximum number of liquor bottles are lying at the Sector 39 police station whereas 40,625 bottles are lying at the Industrial Area police stationThe Chandigarh police registered as many as 234 cases under the Excise Act in 2008 and 245 cases in 2009.

“It is true that liquor seized under the Excise Act is stored in large quantities in different police stations, but it is also true that cops can only look at the ever-increasing quantity and never taste them,” a senior police officer remarked in a lighter vein while speaking about the ever-rising quantity of liquor in police stations.

The police seize illegally carried liquor under Sections 61, 1, 14 of the Excise Act. Seized liquor is then stored till the time the court comes to a decision on the case.

**9<sup>th</sup> March 2010**

### **Supreme Court moves itself on Right to Information Act**

*DNA*

New Delhi: Secretary general of the Supreme Court (SC) filed an appeal before it on Monday, demanding that the landmark Delhi high court judgment that brought top judges under the purview of the Right to Information (RTI) Act be scrapped.

The high court (HC) had ruled on January 12 that the Chief Justice of India (CJI) and other judges came under the purview of the transparency law.

The ruling by a three-judge bench endorsed its September 2 single-bench ruling, which had asked CJI to direct apex court judges to declare their assets. The bench had also held that the office of CJI fell within the ambit of the RTI Act.

Reacting to the HC ruling, SC, whose judges declared assets last year, had gone on to challenge the September 2 ruling before a larger bench of the high court, which too dismissed its appeal.

Monday's appeal written by attorney general Goolam E Vahanvati raises certain crucial issues that might lead to intense legal arguments.

It raises doubt on the right of RTI applicant Subhash Agrawal to invoke the Act "to seek information... which militates against the basic constitutional feature of independence of the judiciary".

Notwithstanding the fact that RTI itself is a fundamental right, the appeal, however, seeks the court's ruling on whether "individual rights of privacy of judges under Article 21 of the Constitution are not violated by subjecting them to the disclosure of personal information".

Seeking the quashing of the judgments passed by two benches of HC that evoked massive public concern over infusing transparency and accountability in the higher judiciary, the appeal says, "The judges, under our constitutional scheme, occupy a unique position and discharge unique functions... It

is necessary and imperative that conduct of the judges is not subjected to public debate.”

The appeal, however, says “the effect of the judgment seriously impairs the position of the judges and the doctrine of independence of judiciary”. The Constitution-makers had insulated the higher judiciary from any “interference, pressure or scrutiny”.

“Independence of judiciary also includes in its ambit independence from any ‘pressures’ or ‘prejudices’,” says the solicitor general’s appeal.

On the issue of “consultation”, the solicitor general says the basic constitutional principle is that “in a process of consultation, the consulter as well as the consultee must have the fullest assurance that the views expressed would be kept in confidence”.

**10<sup>th</sup> March 2010**

### **Say no to RTI amendments**

*The Hindu*

Central Information Commissioner Shailesh Gandhi recently took the extraordinary step of unilaterally releasing the minutes of the October 14, 2009 meeting between Union Minister Prithviraj Chavan and Central and State Information Commissioners on a proposal to significantly amend the Right to Information Act, 2005. The meeting's importance lay in the fact that it saw the hopeless isolation of the government side (Department of Personnel and Training, Ministry of Personnel, Public Grievances, and Training) on the proposed amendments. Of the 60 Information Commissioners who attended, all but two were opposed to the idea of tinkering with the historic legislation. What explains such unity of resolve? The DoPT's package contained two 'killer' amendments. The first would include under Section 8 (which specifies exemptions to the Act) applications deemed to be "frivolous and vexatious." The second would bar from the Act's purview any discussion leading up to an official decision. The best judge of whether or not an application is "frivolous and vexatious" is the Information Commissioner who is called upon to decide the issue. In the four-and-a-half years since the Act came into force, no information officer has complained of being overburdened by such applications. Nor is there anything to suggest that government functioning is hampered by the disclosure of official discussions (previously known as file notings) and records of process. The only reasonable conclusion is that both the bureaucracy and the political government fear transparency of process because it will expose wrongdoing. In recent days, RTI queries relating to public spending, governance, distribution of largesse, and even the procedure adopted for deciding awards have proved to be deeply embarrassing for the government. The ghost of RTI amendments has returned – in the controversial form of exemption for the office of the Chief Justice of India. The irony is too glaring to miss. It was the Supreme Court that laid the ground for opening up acts of governance to public scrutiny. In the 1975 *State of U.P. vs Raj Narain* case, the court said: "In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their functionaries..." The RTI Act has empowered the ordinary citizen in a way its architects did not anticipate. Studies have shown its

growing appeal across all social strata, which is surely why the government is set on blunting this powerful tool in the hands of the people. Such obscurantism must be seen through and defeated.

**11th March 2010**

### **Civil attitudes**

*DNA*

The Indian civil services, particularly the Indian Administrative Service, have not changed quite as much as they should have to cater to the needs of a dynamic, growing young nation. Various attempts to change the requirements and criteria of officers have failed over the years, as they have for the similarly old-fashioned Indian Police Service.

The Centre's decision to change the civil services preliminary examination to a civil services aptitude test is, therefore, to be welcomed. To come into effect from 2011, the intent is to look for bureaucrats who will be better attuned to the demands of the job rather than primarily focus on being repositories of information. Of the many problems India faces, not all can be blamed on politicians. It is, after all, the bureaucrats who do the actual ruling of the nation and it is they who need to be best suited to their jobs.

All too often, the bureaucracy not just obfuscates vital issues, but also acts as a major stumbling block in the path of change. For progress or development to take place across the country, the primary obstacle course is usually a recalcitrant and unwilling bureaucrat. The very response to the Right to Information Act from babus —stonewalling, for fear that their wayward ways will become known to the world — is a fine example of the way babudom works.

The caveats for the government are obvious. One, it should ensure that the change in the test is not mere tokenism. Two, the examination should take into account the challenging and changing demands put on bureaucrats when they start out on their careers. Three, the right things must be measured in the test, especially attitudes to serving the people. The oft-repeated comment about the civil service is that it is neither civil nor provides worthwhile service.

For too many years now, the civil services preliminary test has been about cramming information — some of it obscure — and regurgitating it. While it can be no one's

suggestion that our civil servants be ignorant or ill-informed, it is also a fact that they can often just be people who learnt things by rote.

What we need is a civil service which understands various aspects of Indian society so that it can truly be “served”. Hopefully, the new test will enable us to weed out people who want to be masters, not servants of society.

**11<sup>th</sup> March 2010**

### **IIMs pass the buck on RTIs to Prometric**

#### *Business Standard*

The Right to Information (RTI) applications filed by CAT aspirants may finally end up revealing nothing. In reply to a couple of RTIs, the Indian Institutes of Management (IIMs) said Prometric, the testing and assessment institute, has the answers. But, Prometric is not covered under the RTI Act.

“We appreciate your concerns. IIMs have assigned the technical job of delivery of CAT and scoring to Prometric. We only have scaled scores and percentiles, which have been communicated to all candidates through the official CAT website. The CAT centre itself does not have any other records or information you seek,” said IIM Ahmedabad, in reply to two RTIs filed by aspirants.

IIM-A also said that to facilitate quick communication in the matter, it has made an arrangement to respond through its candidate-care service. “Prometric will give an appropriate response on behalf of IIMs,” the RTI reply added.

Though Charles Kernan, chief operating officer of Prometric, yesterday admitted to the lapses and delays in the CAT process, he said, “It is the IIMs that are subject to anyone filing the RTIs.”

“We don’t understand this. IIMs don’t want to take responsibility. We even called up Prometric today, but they said the database is evaluated by ETS in the US and Prometric has no clue about how it happens. This is frustrating,” alleged a student from Chennai who did not wish to be named.

In a related development, the IIMs today clarified the concerns expressed by the stakeholders of the first computer-based CAT-2009.

Satish Deodhar, CAT convenor, said: “IIMs being public institutions, do get RTI queries in all departments round the year. In the context of CAT, we receive some RTI queries every year, even when CAT was a paper-pencil test. We have arranged

to answer them in the past and will continue to do so as required.” Deodhar acknowledged that he had received six-seven RTI applications.

Addressing the need for psychometric equivalences, he said, “CAT is not a computer-adaptive test, but there is always a need for establishing equivalences across different tests. Of course, while IIM faculty have come up with tests of similar difficulty levels, the different tests certainly are not identical tests. Therefore, standardisation is needed and it is a wrong perception that the IIMs should have formulated tests with equal difficulty levels and that scaled scores are not necessary.”

He ruled out an immediate transition from computer-based test to computer-adaptive test in the near future. “Computer-adaptive test is a distinct possibility for CAT, but it will not be four-five years before we move into that direction,” he said at a press conference at IIM-A on Wednesday.

Computerised-adaptive testing is a form of computer-based test that adapts to the examinee’s ability level by selecting questions so as to maximise the precision of the examination based on what is known about the examinee from previous questions. CAT-2009 entrance exam, meanwhile, will be reviewed by the directors of all the eight IIMs by the end of next month, when it will also be decided whether IIMs will continue with the contract award to the US-based Prometric.

**11<sup>th</sup> March 2010**

**RTI fee: District courts follow two rules**

*The Indian Express*

Utter confusion prevails in the district courts over the fee charged for applications under the Right to Information (RTI) Act.

The Public Information Officer (PIO) designated with the court of District and Sessions Judge charges Rs 10 per RTI application.

But the PIO designated with the Court of Chief Judicial Magistrate charges Rs 50 per application despite a notification by the Chandigarh Administration last year, which reduced the rate to Rs 10 per RTI query.

The anomalies came to light following a few RTI applications filed by Newslite in the district courts.

An application seeking information about a particular case was accepted by the PIO of the Court of District Sessions Judge with Rs 10 as the fee.

But another application in the Court of Chief Judicial Magistrate was dismissed, as the fee of Rs 10 was “not acceptable”.

As per the Chandigarh Union Territory Subordinate Court Rules, 2007, the applicant is required to affix the adhesive court fee of Rs 50 and then seek the information as desired,” the reply reads.

In May last year, the Administration had reduced the enhanced fee of Rs 50 to Rs 10. This was done after RTI activist Hemant Goswami had protested and filed a civil writ petition in the High Court against the hike.

Subsequently, on May 21, the Administration had informed the High Court that they had decided to reduce the fee according to the Central Government rules. An

amended notification was sent to all the departments concerned, including the district courts.

**13<sup>th</sup> March 2010**

**Ex-judges criticise SC move to challenge order on RTI**

*The Indian Express*

A Group of former judges of High Courts, senior lawyers and activists today passed a resolution criticising the Supreme Court's recent move pertaining to disclosure of assets of judges. The apex court has decided to appeal against the judgement of the Delhi High Court about assets' disclosure under the Right to Information (RTI) Act.

In a statement, the group said the action "would not be in the interest of the highest ideals of Justice for the highest court to be a petitioner and litigant before itself in a case involving own actions". "It will shake the confidence of the people in the highest court," it added.

They have resolved to send a copy of the resolution to the Bar associations across the country and form a public opinion on the issue.

In a statement, the group said the action "would not be in the interest of the highest ideals of Justice for the highest court to be a petitioner and litigant before itself in a case involving own actions". "It will shake the confidence of the people in the highest court," it added.

They have resolved to send a copy of the resolution to the Bar associations across the country and form a public opinion on the issue.

The group comprises former Chief Justice of the Himachal Pradesh High Court T U Mehta, former Chief Justice of the Rajasthan High Court A P Ravani, former judges of the Gujarat High Court R A Mehta and R C Makad, former SC judge M B Shah, former Advocate General of Gujarat K H Kaji, senior Gujarat HC advocate Girish Patel, and some social and legal activists.

The release further stated that people expect "openness, transparency and accountability from the highest court of our country", which would set an ideal for others. "The special stand of the Supreme Court that such disclosures (of assets

under RTI) will compromise the authority of the court is not well-founded. On the ...  
contd.

**15<sup>th</sup> March 2010**

**In 5 years, 41 cops booked in graft cases**

*The Indian Express*

In the last five years, 42 personnel of the Chandigarh Police were booked in various corruption cases.

In the period, 33 cases were registered under the Prevention of Corruption Act. The information was revealed under the Right to Information Act.

As many as 22 cases were investigated by the Anti-Corruption Branch of the Central Bureau of Investigation (CBI) and others were probed by the Vigilance Wing of the Chandigarh Police.

Most of these policemen booked for graft charges have been convicted

Further, in eight cases, two officials each were booked, indicating that these cops operated in coordination with each other. In most such cases, a sub-inspector and a head constable or constable have been booked together.

Among the 41 cops booked in corruption cases, there were 14 were sub-inspectors, four assistant sub-inspectors, 10 head constables and 12 constables.

One inspector was acquitted in a case but the CBI had challenged the decision in the Supreme Court.

In several cases, the bribe amount was only a few thousand rupees. On February 17 this year, a head constable posted in the Sector-61 police post was caught red-handed by the CBI while taking a bribe of Rs 2,000.

**15<sup>th</sup> March 2010**

**Tax refund delayed? Use RTI to know why**

The Economic Times

CHENNAI: Life just got better for millions who have ran from pillar to post for years to secure their tax refunds from the income tax (I-T) department.

In a landmark ruling, the Central Information Commissioner has passed an order which says information on refunds is covered under the Right To Information (RTI) Act.

L Lakshmi Narayanan, an assessee, had filed an RTI petition with the (I-T ) department in Chennai, asking for information as to why was there a delay in the payment of his IT refunds for 2003-04, 2005-06, 2006-07 and 2008-09, amounting to Rs 3,32,457.

The department, however, refused to provide Narayanan the information contending that such information did not involve any larger public interest.

“The information sought is covered under Section 8(1)( e) of the RTI, wherein the information sought is not in larger public interest and is purely personal in nature,” the department told the petitioner.

However, the appellant received refunds for 2005-06 and 2006-07 while he was seeking information. Following this, Narayanan filed another appeal to which the income tax department replied: “Information regarding issue of one’s own refund is necessarily a personal information, the disclosure of which has no relationship to any public activity or interest.”

M L Sharma, the Central Information Commissioner, while passing the order, said: “To deny the appellant information sought by him under clause (e) or clause (j) of section 8(1) is nothing but misappreciation of law.”

The information sought by the appellant is covered under section 2(f) of the RTI Act and he has a right of seek information under section 2(j) thereof. It is clarified that the appellant has not sought any information which the public authority is holding in fiduciary capacity.”

While directing the income tax department to disclose information for the inordinate delay, he also ordered the issue of refunds within three months. The CIC also rapped the department for failing to appear in a hearing arranged by the commission where the appellant was present.

[Has the RTI Act facilitated transparency and accountability in governance?](#)  
[Have you tried using the RTI as an instrument to safeguard your interest or for social benifit?](#)

**15<sup>th</sup> March, 2010**

**Activists flay govt for not implementing RTI properly**

*The Times of India*

JAIPUR: Social activists, while welcoming the intentions of the government in strengthening the Right to Information Act in the state, have severely criticised the government for failing to make any substantial progress so far in this respect.

“It was during the tenure of the first Gehlot government that RTI was brought in the state. And now its more than a year since the second Gehlot regime came to power but precious little that has been done by it. This is despite the fact that the state had played a pioneering role in bringing the RTI in the country,” said social activist Aruna Roy of the Mazdoor Kishan Shakti Sangathan (MKSS).

The chief minister in his budget speech had mentioned the need for strengthening RTI. Gehlot had not only stressed on better implementation of the Act but also said that important decisions of the government should be made public through the websites of various departments and other means. But activists pointed out all that the state seem to have done till now, as far as transparency on governance is considered, is to have made it mandatory to erect information wall on NREGA in all gram panchayats of the state.

“But even in that there has been lack of will by the government. There are many districts that have yet not taken any step in this direction and the government is just sitting quietly,” said Nikhil Dey also of the MKSS.

“Not only that, little has been done by the administrative reforms department towards any move to bring in transparency,” added Dey.

In fact, Rajasthan is perhaps the only state that has just one information commissioner when there is scope for 11 such commissioners. “The state should appoint more commissioners so that all the backlog can be cleared. There should be a commissioner in every division of the state. Even in the appointment of commissioners there has to be some clarity,” he said.

Activist also stressed on the need for strengthening Section 4 of the Act that mandates all public authorities to maintain all their records duly catalogued and indexed in a manner that facilitates the RTI.

**16<sup>th</sup> March 2010**

**Water-starved city faces 35% cut after pipe bursts**

*The Times of India*

MUMBAI: In what appears to be one of the worst pipeline bursts this year, a six-foot-diameter pipe burst in Bhiwandi on Monday evening. So great is the damage that the entire city will have to do with around 35% less water supply for the next couple of days—something unprecedented in recent history.

It will take at least two days for the pipe to be repaired. We tried to arrest the water gushing out but it took time because the damage was huge,” said deputy municipal commissioner Dineshchandra Gondalia. “We cannot say with certainty how long the repair work will take but we are trying to speed it up as much as possible.”

The incident occurred at Valgaon near Gundavli on a pipeline carrying water from Tansa to the Bhandup Water Complex around 7 pm. Officials said the age of the century-old pipeline could be the major reason for the burst although the immediate trigger was not known.

At the time of going to press, civic officials were still examining the extent of the damage. Local farmers are worried that the huge flow of water into their fields will damage the standing crops. The repair work is likely to begin in the wee hours of Tuesday.

The Tansa (East) main supplies water to all the major reservoirs of the city from the Bhandup Water Complex. Officials said that almost all parts of Mumbai would face a water shortage till the repairs were complete.

At present, the water content in the lakes supplying the city is 4.57 million litres as opposed to 6 million litres last year.

Frequent pipe bursts in recent times have added to the woes of Mumbai, which is already reeling under a 15% water cut. A recent Right To Information (RTI) query

revealed that there were as many as 1,031 cases of pipe bursts or leaks in 2009, draining the city of millions of litres of water.

In fact, the BMC reported about three cases of burst or leaking pipes every day in 2009. The biggest burst last year was in May, when a pipe at Lalbaug ruptured while the flyover there was being constructed. This year, there was a major pipeline burst at Nana Chowk in Grant Road.

According to a hydraulic official, the 3-km stretch between Gundavli and Tarai—where the pipeline splintered open—will have to be isolated. “Once we isolate the stretch, we will have to drain out all the water,” he said. “After the patch dries up, we will be able to weld it. The quantity of water lost has not yet been estimated.”

**17<sup>th</sup> March 2010**

## **Holding authority to account**

*The Indian Express*

Like clockwork, news of amendments to the Right to Information Act (RTI) makes its way to newspaper headlines. It started with the issue of “vexatious” and “frivolous” applications, and whether discussion notes (file notings) ought to be made public. Now, it has moved on to the latest controversy, sparked by the office of the Chief Justice of India (CJI) seeking to exempt itself from the purview of the act. For the moment, the official government line is that amendments are on hold till public consultations are undertaken. Whether or not these consultations take place, the proposed amendments have serious ramifications for the RTI and for efforts to institute norms of transparency and accountability in our institutions of governance, and must thus be debated.

The act states that any authority established by the Constitution, Parliament, state legislatures or by government notifications and orders is a public authority. The fundamental principle here is that public institutions — institutions that draw on public funds and that are endowed with the power to make decisions that directly impact citizens’ lives — have to be answerable for their conduct. On this view, the office of the CJI, as upheld by the Delhi high court, is a public authority.

**18<sup>th</sup> March 2010**

**Call for state level RTI users' forum**

*The Indian Express*

Vasant Brahmbhatt-a resident of Ahmedabad-had filed an application under the Right to Information (RTI) Act in 2005 in connection with the Sabarmati riverfront project. He had asked for information on the project report, the cost, whether the tenders were issued before allotting the work or not, and who all were assigned work of more than Rs 25 lakh. He is yet to receive any reply from the State Information Commission.

Vishram Laxman Dodiya had filed an application under RTI to get details about the illegal electricity connection by Torrent Power. He could not get any information. On February 11, 2010 he was found murdered. He had met the company officials the same day. Three people were arrested in the case. His son is yet to receive the information under RTI.

Gandhinagar resident Vishal Parikh had sought information under RTI in 2007-08 to know who all had made a false entry in the document 6 relating to ownership of land. The land belongs to him, but is now owned by a builder. He has gone for an appeal in the state commission but is yet to receive any information.

Over 100 RTI users across Gujarat, who met in Ahmedabad on Wednesday, had similar stories to tell.

Organised by the Mahiti Adhikar Gujarat Pahel (MAGP), the state level meeting for RTI users concluded that it was necessary to get organised to build pressure on the information commissioner.

The idea of having a district level forum was mooted before the RTI users, which was readily accepted.

... contd.

**19<sup>th</sup> March 2010**

**1/3rd of city councillors' ward funds lie unused**

*The Times of India*

CHENNAI: While Chennai Corporation recently increased the annual ward development fund of each councillor from Rs 25 lakh to Rs 30 lakh, the records show that the use of such funds to provide amenities is lagging in execution.

In fact, one-third of the total development fund allotted to councillors since 2005-06 — approximately Rs 20 crore — has been lying unutilized due to delays in procedures or shortage of space to install facilities. This was revealed by the civic body in reply to an application filed under the Right To Information (RTI) Act.

Three councillors have not spent even a rupee in the last three years. Funds allotted to 17 others, including 12 belonging to the ruling party, for the current financial year lay completely untouched till December 2009. The utilisation of the mayor's special development fund is also poor — of the Rs 2 crore allotted in four years (Rs 50 lakh per year), only 22% has been spent.

The civic body furnished the information some weeks ago in its reply to an RTI application filed by V Madhav, an activist in Porur, in January.

Mayor M Subramanian told TOI that the councillors could not be blamed fully for the under-utilization of funds. "Councillors cannot handle the fund directly, they can only give a letter to the corporation recommending implementation of development works. That too, they can only recommend for about 15 types of works like road laying, construction of footpaths and building of noon-meal centres. Unutilized amounts do not go unspent but are credited to the capital account of the corporation and again spent on development works," he said.

**19<sup>th</sup> March 2010**

**Pune RTI chief spent a year on answer-sheet issue**

*DNA*

Pune: Pune Region RTI commissioner Vijay Kuvalekar had taken nearly a year to study the case before ruling that students appearing for the SSC and HSC exams conducted by Maharashtra State Board of Secondary and Higher Secondary Education be provided with photocopies of the evaluated answer sheets.

Kuvalekar, however, refused to comment on the board's decision to legally challenge his ruling. "I have carried out my duty to the best of my ability," he said.

An official at the Regional Information Office, however, said Kuvalekar had studied data about students appearing for SSC and HSC exams and the pass and fail percentages. Information was gathered from all divisional offices of the board to see if students were unhappy with the evaluation. Citing section 8 of the Right to Information Act, 2005, Kuvalekar had said answer sheets could not be treated as confidential documents.

Kuvalekar's study came after a Std XII student Abhijeet Joshi, unhappy with his marks, asked authorities to show him photocopies of his answer sheets. When he was refused, Joshi filed an plea with the Pune bench of the State Information Commission.

**19<sup>th</sup> March 2010**

**Torrent Power refuses to provide information under RTI Act**

*The Indian Express*

*Applicant had sought information on power failures, shutdowns, interruptions at Rajnagar complex, Narayan Nagar and Paldi areas*

Torrent Power, the sole electricity distributor in Ahmedabad, Gandhinagar and Surat, has refused to furnish certain information sought in an application under the Right to Information (RTI) Act, saying the Act is “not applicable” to the company.

The applicant had sought information regarding the types of power failures, power outages, shutdowns, interruptions at Rajnagar complex, Narayan Nagar road and Paldi areas in Ahmedabad between January 1, 2009 and November 20.

The applicant, identified as Jayshree Nagar, a resident of Paldi, had also asked as to what actions were taken to check power failure in the application filed in December last year.

In its reply sent on January 16, 2010, the company said the information cannot be shared as they are not a public aNagar, in her application, had mentioned that she had filed a complaint after facing frequent disruptions of power. She said that if public utility companies can enjoy privileges of a public sector undertaking, including permission to dig up roads, disrupt traffic and seek police help, why can't they share information under RTI.

Reacting to this, the Chief Information Commissioner, Government of India, Wajahat Habibullah, told The Indian Express: “As far as I am concerned, yes, they (Torrent Power) have to be under the ambit of RTI Act. But it depends on a lot of things, including investment by the government, whether the government has any stake or not.”

**21<sup>st</sup> March 2010**

**N-bill: Congress wants govt to hit 'pause' button**

*The Times of India*

NEW DELHI: The government's attempts to muster support for the Nuclear Liability Bill has been seen as denoting its anxiety about getting the legislation passed in the Budget session of Parliament. But it was actually prompted by advice from the Congress leadership to government leaders not to move ahead on the controversial legislation without making an effort to bring everyone on board.

Congress sources said the advice to go slow on the bill was conveyed to the government after it ran into strong Opposition resistance in both Houses. This virtually means that the bill, notwithstanding exertions by government functionaries, is headed for the standing committee.

The government has told party emissaries it is reconciled to the bill being referred to the standing committee and that introduction of the legislation is merely a step in that direction. Party sources stressed that while the leadership doesn't have any reservations about the contents of the bill, it is wary of being seen to steamroller-through legislation that the Opposition alleges will help American nuclear reactor manufacturers.

The suggestion that it's time to hit the pause button is being seen as yet another instance of the disconnect between the PMO's priorities and those of the party leadership. The hiatus led party chief Sonia Gandhi to lean on a government that appeared risk-averse to push for the women's quota bill to be passed at all costs. Last week's absence from the Lok Sabha of 35 Congress members, including ministers, when the Nuclear Liability Bill was being introduced was seen to reflect the mismatch between goals, or at least their timing.

Significantly, it was the PMO's quest for nuclear energy since UPA-I that brought up the divergence in agenda. Congress initially showed little sign it shared the PMO's enthusiasm over the nuclear deal, until Prime Minister Manmohan Singh, with Rahul Gandhi's help, managed to get the party to line up behind his signature initiative.

The gap showed up again over India's controversial peace overtures to Pakistan at Sharm el-Sheikh. The PMO has justified the decision to re-engage with Pakistan but statements by important government functionaries, such as defence minister A K Antony and home minister P Chidambaram, have led many to doubt if all the leaders are on the same page.

The disconnect between what enthuses whom has led to a division of labour, with the PM identified with foreign policy initiatives such as the nuclear deal and the unsuccessful stab at rapprochement with Pakistan. Popular measures, such as the National Rural Employment Guarantee Act and the Food Security Act as well as the game-changing Right to Information Act have got stacked in Sonia Gandhi's column.

**22<sup>nd</sup> March 2010**

**RTI helps senior citizen get post back after 11-year-long legal battle**

*The Times of India*

MUMBAI: Qamar S Qazi's story could be representative of what may happen to some state charitable trusts that are mired in litigation as trustees fight to retain powerful posts.

The Right To Information (RTI) Act came to the rescue of the 76-year-old Panvel resident who was ousted from the trust after he fought a 11-year-long legal battle. A former assistant commissioner of customs and central excise, Qazi was removed from the post of general secretary of Anjuman Tanzeem Achra, a charitable education trust, through a no-confidence motion in 1999.

But the original papers of the trust's no-confidence motion, which were kept in the charity commissioner's office, were substituted with forged papers in alleged collusion with office staff. Following this, the charity commissioner's office passed an order to oust Qazi.

It was only when Qazi applied to the charity commissioner's office for a copy of the no-confidence motion that he discovered, to his horror, the documents were substituted. It was found that the attendance lists also had serious discrepancies; many members were dead or their names were fictitious and some were abroad when the 'alleged' election took place. "We found out that 80% of the signatures were fake. This was later confirmed by the additional chief state examiner of documents," Qazi said.

On discovering the forgery, Qazi lodged a criminal case against the existing trustees at the additional magistrate's court, Mazgaon, in 2000. The court directed the Dongri police to investigate the case and the police report established that a forgery had been committed. The court then ordered the police to file a charge sheet. However, despite directives from the magistrate, the charity commissioner's office did not subsequently take any action on the forgery committed by the existing trustees.

Qazi then filed a query under the RTI Act, asking about the status of the case and it got rolling after 7 years. "Within a month, I got a reply from the charity commissioner, stating that the earlier fake no-confidence motion passed by the trust had been set aside and a fresh inquiry had been initiated against the trustees," he said.

Qazi also filed a writ petition, asking that the inquiry be completed within 30 days. The court directed the petition to be withdrawn, giving him the liberty to approach the appropriate forum.

He then approached the charity commissioner's office. The deputy charity commissioner set aside the erroneous order of the assistant charity commissioner and again directed another inquiry be initiated. Further, the joint charity commissioner in his February 22 order stated that some members who 'allegedly' took part in the no-confidence meeting were not, in fact, present and quashed the earlier order passed by the assistant charity commissioner in 1999. Qazi, who has now regained the post of the general secretary of the trust, said that the RTI Act exposed the fraudulent methods used by the members to remove him from the trust. The RTI Act can bring about positive changes even in the way charitable institutions function in the country, he added.

**23<sup>rd</sup> March 2010**

**Chief justice of India refuses information on cash-at-judge's-door scam**

*DNA*

New Delhi: Chief justice of India (CJI) KG Balakrishnan, who had rubbished the CBI claim that he didn't allow it to prosecute Punjab and Haryana high court (P&H HC) judge Nirmal Yadav, accused of involvement in the cash-at-judge's-door scam, now says the matter is confidential.

The central public information officer (CPIO) of the Supreme Court (SC) told the Central Information Commission on Tuesday that it could not reply to an applicant's query whether CBI approached SC in connection with the scam as the matter was "confidential and exempted from disclosure under section 8 (1) (e) and (j) of RTI Act".

"You have no right to access the said information," CPIO told applicant Abhishek Shukla.

Clarifying the position of the highest judicial institution under RTI, an issue that's been pending before SC for final adjudication, CPIO Raj Pal Arora said, "Further as the information is not held by or under the control of CPIO, Supreme Court, India, your request cannot be acceded to..."

But SC's secretary general MP Bhadran had earlier said that CBI did not approach CJI.

Justice Yadav's name had figured in the scam after the recovery of a mysterious bag containing Rs15 lakh at the door of another P&H HC judge Nirmaljit Kaur. The bag was said to have been delivered to her door due to confusion over names.

CBI probed the matter on the orders of the administrator of Chandigarh after Kaur lodged a police complaint, but filed the case closure report after, a CBI court observed, it "failed to get sanction from CJI to prosecute Yadav".

However, dealing with another sensational case involving around 30 judicial officers and high court judges, who allegedly benefited from the ill-gotten money that the late Ashutosh Asthana, former officer of the government treasury in Ghaziabad, fraudulently withdrew from the accounts of court employees, SC examined his viscera reports to ascertain whether he was poisoned or died due to cardiac arrest inside Dasna Jail.

Asthana had given a statement before the judicial magistrate two years ago, listing the names of judges who received cash or gifts from him and explaining the modus operandi of his operation which couldn't have been possible without the active help of some subordinate court judges.

A bench of justices DK Jain, VS Sirpurkar and GS Singhvi noted on Tuesday that the viscera samples did "not indicate poisoning", as alleged.

**23<sup>rd</sup> March 2010**

**Maharashtra state information commission betters its performance**

*DNA*

Mumbai: This is for your information citizens. The state information commission has disposed of more appeals and complaints in 2009 than it did in 2008. From 221 to 291, it has been a big leap of more than 30%.

The marked improvement can be attributed to an additional hand sharing the work load. In 2009, seven information commissioners, including the state chief information commissioner, worked to clear the appeals and complaints. In 2008, there had been a six-member team, including the chief.

“The figures state that our performance has been better than the central information commission,” state chief information commissioner Suresh Joshi said.

Joshi added that he was not happy with the implementation of section 4 of the right to information (RTI) Act, which deals with voluntary disclosure of information.

“The disclosure is not adequate. They need to put a lot more information on the website. The quality and quantity needs to improve drastically. Emphasis should be given on record management,” he said.

RTI activist Bhaskar Prabhu said, “The state commission can improve its performance further. And for a state like Maharashtra, the figures need to improve. Merely giving orders is not adequate. The orders should be given on time. I myself have an order pending since March last year. Also, not always the orders passed by the information commission are justifiable.”

Although the complete figures are not available, the state commission said that total appeals in 2009 stood at 4.5 lakh. In 2008, the figure had been 4.6 lakh.

**24<sup>th</sup> March 2010**

**Denied vital information, corporators turn RTI activists**

*The Indian Express*

It is now the turn of elected representatives to tap Right to Information (RTI) Act in an attempt to get information that they believe the civic body is not making available to them when sought through 'proper channels'. A number of corporators of the Pune Municipal Corporation (PMC) are awaiting answers to their queries on development issues of their interest.

"A lot of elected representatives have started using the RTI Act for seeking information. The corporators from all the parties use the RTI Act but the most are from the Opposition parties," said a civic RTI officer. This trend is new to the civic body, he said, adding, "They might not be satisfied with administration's response to their queries in the normal course."

BJP corporator Anil Shirole said, "There is lack of transparency in the working of the civic administration. The officers tactfully try to avoid giving straightforward information when we seek answers on critical issues."

According to him, the civic staff does it purposely out of fear of getting exposed on their failure in delivering results. "There is pressure on the administration from the ruling alliance for shielding certain information; the fear is all the more about the information falling in the hands of the Opposition. The RTI Act has come out as a big respite for us to get access to the civic documents and keep a check on the administration and also policies of the ruling alliance," Shirole said.

A frequent applicant under RTI Act, MNS corporator Vasant More, agreed. "I had tried to get information from the civic administration by sending queries on my letter head. However, the information given to me has been misleading and wrong at times," he said. One can no longer rely on the information given by the civic staff through the normal route, he said, adding, "The civic officials also backtrack on the information; they can't do the same when the information is delivered under RTI Act."

**25<sup>th</sup> March 2010**

**India suggests RTI for climate change bodies**

*The Hindu*

Introduce the “Right to Information” to the U.N.'s climate change system, India has suggested to the body (Inter Academy Council) charged with bringing credibility and accountability to the Intergovernmental Panel for Climate Change (IPCC), the climate science panel which has been in the eye of a storm over the last few months. India wants the IPCC to make greater efforts to enhance the participation of developing country scientists to improve the geographical balance of its reports. Every IPCC report should include a separate chapter including all divergent views. In fact, the entire draft report should be sent to all known “climate sceptics” during the review process, says the Indian note.

It also suggests an extra tier of scrutiny to review the “conclusions” emerging from the facts, in order to ensure objectivity, especially with regard to the influential Summary for Policymakers.

These are some of the suggestions contained in a note prepared by the Union Ministry for Environment and Forests, and sent to the co-chairs of the Inter Academy Council, a group of eminent scientists who have been asked to review the IPCC's processes. This independent review was commissioned after the IPCC came under severe fire for inaccuracies in its Fourth Assessment Report, including a false prediction that the Himalayan glaciers would melt by 2035.

While IPCC cannot be blamed for misuse of its findings by political leaders with their own agenda or by the media in search of headlines, there certainly are areas relating to the IPCC's working in which improvements can and should be made,” wrote Union Minister of State for Environment and Forests Jairam Ramesh in the letter accompanying the note, dated March 22.

The IPCC should ensure that “grey literature” — information published in reports by governmental, global and non-governmental agencies — does not carry the same weight as peer-reviewed scientific papers, says the note. Last-minute ideas that did

not go through the comprehensive review process of the original draft should not be pushed through at the final draft stage.

India called for complete transparency. Everything — from the CVs of the scientists selected and rejected as experts, to all the literature cited in the reports, to all data and assumptions used for running climate models and projections — should be made available in the public domain on the IPCC website.

“[The] Need for confidentiality on contents during the IPCC report preparation is appreciated, but [the] need for extensive confidentiality on the process is not warranted. Maybe introduce a “Right to Information” system in whole IPCC and UNFCCC processes,” suggested the Ministry's note.

The Ministry also noted that data collection needs to be expanded from regions where information is lacking.

**30<sup>th</sup> March 2010**

**Sports Min brings National Federations under RTI Act**

*Press Trust of India*

New Delhi, Mar 30 (PTI) National Sports Federations can no longer avoid public scrutiny with the Sports Ministry today bringing them under the ambit of the Right to Information Act, making it mandatory for them to appoint Public Information Officers and Appellate Authorities.

The government today issued an order asking all the NSFs to immediately designate Central Public Information Officers and Appellate Authorities according to Section five of the RTI Act 2005.

"The government has decided to declare all National Sports Federations receiving grant of Rs 10 lakh or more as Public Authority under Right to Information Act (RTI), 2005.