

From: Shailesh Gandhi [rtimonitoring@gmail.com]

Sent: 25 February 2010 19:50

To: contacts@delta.org.in

Subject: Follow-up letter to meeting held on 19 February 2010

Dear Friend,

As you are probably aware, I had organised a meeting on February 19, 2010 to interact with various civil society groups on the issues relating to compliance of Section 4, RTI Act by Public Authorities. Over 65 persons representing more than 35 organisations attended the meeting. Everyone's participation is deeply appreciated and I found the discussion which ensued during the meeting to be insightful and very helpful.

As promised, I am enclosing a copy of the minutes of the meeting and a list of persons who attended the meeting along with their contact details (enclosed). A googlegroup has been created with the name **Section4monitoring** (<http://groups.google.co.in/group/section4monitoring>) and all persons who gave their e-mail addresses during the meeting will be invited to this group in a few days. The googlegroup is public and persons who could not attend the meeting are welcome to join it.

I am of the opinion that there is a need to prioritise the information which needs to be disclosed under Section 4 based on matters which are important to citizens and the disclosure has to be made in a citizen friendly format. I am hoping that civil society groups and individuals can assist the Commission in this endeavour by suggesting what kind of information should be disclosed by public authorities on a priority basis and preferably also suggest the format in which the information would be most useful for citizens. During the meeting I have stressed on the fact that the Commission needs the help of civil society groups to monitor the compliance of its orders with regard to disclosure of information in accordance with Section 4 of the RTI Act and to ensure that the information. E-mails can be sent to rtimonitoring@gmail.com in this regard.

Furthermore, if there are persons interested in volunteering to monitor websites of different Public Authorities in the context of mandatory disclosures which should be made under Section 4 of the RTI Act, such persons can get in touch with the Commission at rtimonitoring@gmail.com. For noncompliance of the Commission's Section 4 orders do file a Complaint stating what information has not been disclosed by the Public Authority.

After reviewing the suggestions and observations that were made during the meeting, the Commission has decided to look into the following areas in the coming week and I hope to address the remaining issues soon after:

1. Disclosure of information by the MCD relating to its budget, fund allocation etc.
2. Disclosure of information by Labour Department, Govt. of Delhi.
3. Disclosure of information by the Slum & JJ Department relating to authorised and unauthorised colonies-names, location, plot allocation records.
4. Disclosure of information relating to Public Private Partnerships that the NDMC has entered into.
5. Disclosure of information relating to hospitals run by MCD and Govt. of Delhi.
6. Disclosure of lists of persons residing in Delhi in 1991 and 1998.

7. Disclosure of information relating to the Yamuna Action Plan

I hope to hold these meetings on a regular basis and I look forward to working together with civil society groups and individuals.

Regards

Shailesh Gandhi

Information Commissioner

Central Information Commission

Meeting with Civil Society Groups

Held on 19 February 2010

at ISTM Conference Hall No. 2

MINUTES OF THE MEETING

A meeting was organised on February 19, 2010 at 3 pm in Conference Hall No. 2, ISTM, by Mr. Shailesh Gandhi, Central Information Commissioner to interact with various civil society groups on the issue of compliance of Section 4, RTI Act by Public Authorities. Over 65 persons representing more than 35 organisations attended the meeting.

The purpose of the meeting was to throw light on the current status of enforcement of Section 4 by public authorities, to identify the areas which were of special concern for citizens and to find ways of facilitating successful implementation of the orders of the Commission.

After a brief introduction by each participant, Mr. Shailesh Gandhi opened the meeting by stressing on the importance of compliance with Section 4 as 'it was difficult to be corrupt where there was transparency'. He pointed out that the Commission was issuing several orders to the Public Authorities to meet their obligations to disclose information *suo moto* under Section 4 but the Commission was not in a position to monitor the compliance of these orders effectively. Taking the example of University of Delhi, Mr. Gandhi stated that with the collaboration of JOSH, most colleges and the University have improved compliance of their obligations under Section 4.

A presentation was made by Ms. Shibani Ghosh, Legal Consultant, briefly discussing some of the orders passed by Mr. Shailesh Gandhi with regard to Section 4, RTI Act. A compilation of directions passed by Mr. Gandhi in his orders with regard to Section 4 were distributed to the participants.

Mr. Gandhi stated that posting of information on websites only was not enough as the common man did not have access to the internet, and hence there was a need to display information on boards and made available through manuals. Further, he expressed the need for the contribution and support of civil society as the Commission had limited resources to monitor compliance of its orders on Section 4.

Mr. Gandhi opened the floor to suggestions from the participants. Participants made several insightful suggestions and observations and some participants also volunteered to undertake monitoring of compliance of Commission's order with regard to specific subjects. Some of the suggestions and observations made are as follows:

- The content of the 'norms' u/s 4(1)(b)(iv) must be defined by public authorities and the norms should be disclosed on the websites.
- Inspection procedures should be properly defined by public authorities.
- The MCD should make crucial information with regard to hospitals available on the websites of the hospitals such as number of beds, names of doctors on call, services and medical facilities available at the hospital.
- Websites of public authorities should be indexed properly, so that information that is uploaded on the website is easily accessible.

- Information with regard to persons residing in Delhi 1991 and 1998 should be made available on the GNCTD website.
- Specifications of the 'information board' need to be standardised i.e. uniformity in the dimensions of the boards, colour, height from the ground and the place where the boards were to be put up. The display boards should be set up in a place which can be easily viewed by members of the public without special permission.
- Education Department should identify the schools which are supposed to offer seats to students on the EWS quota.
- Information should be made available with regard to mutation of properties.
- Apart from the use of Boards, digitalised user friendly information kiosks needed to be created.
- As the Yamuna Action Plan is going to be initiated by the Delhi Government with a huge budget. There is a need to ensure transparency in this project from the very beginning. Plans, budgets etc. should be made available in a digitalised format on the internet of the Government.
- There is a need to publicly disclose notifications which make certain roads out of bounds for rickshaw pullers and vendors as these persons are being unnecessarily harassed by government officials in the name of notifications/orders which they are not aware of.
- Monitoring of compliance of Section 4 should be taken up area-wise.
- MCD has very poor records relating to its own properties. For instance properties that it gives on lease hold, should be recorded in a proper manner.
- Information should be made available in an easy-to-understand format.
- The Labour Department of the Delhi Government affects the lives of 65 lakh persons and it has very poor compliance of Section 4. 425 crore rupees is the expenditure of the Department. Budget details, minutes of meetings, staffing policy etc. should be disclosed.
- In the Transport Department, information relating to the badges which have been issued and the rules of issuing these badges should be made available.
- Penalties should be imposed in cases of non compliance to ensure a deterrent effect.
- Departmental orders relating to the postings should be put up online.
- Copies of resolutions, minutes of meetings of MLAs and Councillors should be made available online. Details of MLA Funds should also be made available.
- Due importance was to be given not only to the fact of disclosure of information, but also as to the 'quality' of information that was disclosed.
- Creation of a standard format for the compliance of Section 4 would ensure implementation of the same as well as facilitate cross checking.
- Any policy/order with regard to demolition of JJ clusters and rehabilitation should be made available online and this information should be provided to the affected parties atleast 6 months in advance.
- Display boards with names of Public Information Officers and First Appellate Authorities has not been put up by many public authorities.
- When a penalty is imposed on an official, it should reflect in his ACR.
- Information with regard to which body is responsible for providing water in a particular colony; timings for water supply should be made available.

- Urgent need to make details of authorised and unauthorised colonies and other plans of action to prevent the mushrooming of unauthorised colonies and demolition of unauthorised colonies should be made available to the public.
- Names of employees of a public authority along with their designations are not available on the websites or in the offices.
- The MCD has not placed its budget online and there is no information about allocation and expenditure of the budget; estimates for works.
- Information on complaints filed against MCD officials should be accessible to the public.
- Minutes of meetings and details of meetings held by the Ward Samittees should be disclosed.
- Public Private Partnership that the NDMC has entered into with regard to Solid Waste Management is not available on the website of the NDMC.
- Criteria laid down for opening of new ration shops and requirements for applying for new ration card schemes should be made available along with names, addresses, Fair Price Shop numbers and details of license numbers.
- In the Labour Department, one PIO sits in two offices and therefore is not available on all days to accept RTI Applications.

The meeting concluded on a positive note by 4.30 pm. Mr. Gandhi expressed his appreciation for the valuable discussions and thanked the participants for coming. He also requested the gathering to file complaints with the Commission, in case participants come across instances of non-compliance of Commission's directions as well as obligations of the public authority under Section 4. Mr. Gandhi introduced members of his staff who could be contacted by the participants for future communication.

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*Compilation of Directions issued by Mr. Shailesh Gandhi,
Central Information Commissioner, with regard to
Section - 4 of the Right to Information Act, 2005*

18 February 2010

**Directions issued by Mr. Shailesh Gandhi, Central Information
Commissioner, with regard to Section - 4 of the Right to
Information Act, 2005**

1. Decision no. CIC/SG/A/2009/000734/3446

The Commission directs Mr. Dadoo, the Divisional Commissioner of Govt. of NCT of Delhi to ensure that details of compensation and rehabilitation to the Metro Project Affected person who have been displaced must be made available at least on the website. Besides *the Commission also directed in compliance with Section 4 requirements details of the project affected persons and the rehabilitation due to them is made available suo moto before 15 August 2009.*

2. Decision No. CIC/SG/A/2009/000754/3467 dated 28 May 2009

Appellant : Mr. Rakesh Agarwal

Respondent : Mr. Ajay Kumar Bisht, Transport Commissioner and SPIO

The PIO states that Section 4 has been complied by the department and *all the 17 manuals were available in the department's website which has now become non-operational due to the decision of the IT department. The PIO has assured the Commission that by 15 June 2009 all the Section 4 manuals will be uploaded at the website. The Commission also directs that the manuals must be available in hardcopies before 30 June 2009 at all the field offices.*

3. CIC/SG/A/2009/000891/3620 dated 09 June 2009

Appellant : Mr. Harpal Singh Rana

Respondent : Mr. Ranvir Singh, PIO MCD Civil Lines Zone

The nature of information sought by the appellant should have been provided suo moto by the public authority. It was apparent that this was not been done and MCD is not fulfilling its basic duties under Section 4 of the RTI Act. *The Additional Commissioner-Revenue Mr. Tomar was directed to ensure that the Section 4 compliance is done and information of this nature should be available on the website of MCD before 15 August 2009.*

Note: No report received from PIO nor details are updated on website.

MCD website has crashed and Dr. Patnayak has assured Mr. Gandhi on 03 October 2009 that the website would be up and running by 06 October 2009. The Website to be checked by 10 October 2009.

4. CIC/SG/A/2009/001125/3905 dated 29 June 2009

Appellant: Mr.A.N.Prasad

Respondent: Mr. Shalender Singh Chauhan, PIO Deshbandhu College

The present PIO has brought a copy of the Section (4) compliance but admits that no updation had been done ever since it was made. *The FAA Principal Dr. A.P.Raste committed that the updation of the Section (4) disclosure will be done before 30 July 2009. He was also directed*

to ensure that this is available on the website before 15 August 2009 and updated every week.

5. CIC/SG/A/2009/000907/3632 dated 10 June 2009

Appellant : Mr. Rahul Sharma

Respondent : Mr. P.K.Jaggi, PIO Drugs control Department, GNCTD

The appellant stated that as per Section 4(1)(b)(xiii) 'particulars of recipients of concessions, permits or authorizations granted by it' should be suo-moto disclosed. The PIO stated that they would be able to provide names and addresses of the medical(chemist) retails stores. Presently the data of the pharmacists working in these stores is not available in collated form. The Commission sees the need for this information to be provided suo-moto by the public authority. Since this is definitely very important part of information relating to medical stores in Delhi. This will also help citizens to monitor whether medical stores are following appropriate measures and whether public authority is doing its job. ***The Commission directed Dr. A.K.Singla Drug Controller to ensure that the list of pharmacists working in medical stores alongwith their names and addresses shall be put up on its website before 15 August 2009.***

6. CIC/SG/A/2009/001334/4037 dated 9 July 2009

Appellant: Mr.S.S.L.Gupta

Respondent: Mr. Manoj Verma on behalf of PIO Mr. Suresh Chand MCD

The Commission directed the PIO to ensure that a list of all building plans where sanction has been given shall put up on the website indicating the dates on which sanction has been given and dates on which completion certificates and occupation certificates given. This is a requirement under Section 4 of the RTI Act being communicated to the PIO. This information will be put up on the website before 25 July 2009. This will cover a period for building plan sanctioned from 1 January 2005 onwards.

7. CIC/SG/A/2009/001215/3997 dated 06 July 2009

Appellant : Mr. Ripu Sudan

Respondent: (Absent) Food Supplies & Consumer Affair Department, GNCTD

The Appellant had applied for the renewal of the Ration Card in 2007. He had surrendered the old card on 29.05.2007 but has received no reply from the Public Authority. He has therefore asked about the fate of his application, which has not been provided. **The Public Authority must provide details of application for ration cards suo moto under Section 4 and if any of the applications are refused, these must also be declared on its website. Reasons for refusal must also be displayed.**

The PIO was also directed to ensure that the names of those who apply for ration card, dates on which they apply and dates on which ration cards are given should be put up on the websites of the Public Authority under Section 4 of the RTI Act, 2005. If any applications are rejected this should also be put up with reasons for rejection. The PIO will ensure that this is done by the Public Authority before 15th August 2009.

8. CIC/SG/A/2009/000625/4217 dated 22 July 2009

Appellant: Mr. Jathedar Kuldip Singh Bhogal with Mr. Baljit Singh and Mr. Ajai Kumar adv.

Respondent: Mr. I.S. Bakshi advocate and Mr. N.S. Badhan, PIO, Delhi Sikh Gurdwara Management Committee

The information sought should be disclosed suo-moto under Section 4 of the RTI Act. This should have been disclosed before 12 October 2005. *The PIO was directed to ensure that this information is put-up on the website and also available in hard copy at its offices before 15 September 2009. It must also be ensure that this information is updated regularly. It must also be ensure that this information is updated regularly.*

9. CIC/SG/C/2009/000403/4182 20 July 2009

Complainant: Mr. Rakesh Agarwal

Respondent: Mr. Ashok Gupta, PIO Transport Department Burari, GNCTD

The data has been given on the CD to the Complainant but the Complainant states that it is not in the formation in which he wanted. The respondent states that they are using different software and hence it would be difficult for them to give information in the format sought by the Complainant. The Complainant mentioned that the data given to them appears to show that public holders of Autorickshaws have names of two different fathers. The Complainant would like to inspect the data on the computers of the public authority. The Commission directs the public authority to provide inspection in the course of which the Complainant may be provided CDs of the data, if it is different from one given to the Complainant earlier.

The reasons for transaction locking of Autorickshaws have been provided on the CDs on 24/06/2009 whereas the RTI application was received on 30/04/2009. The Complainant claims and the respondent admits that the reasons for locking of Autorickshaws had not been provided in the CD. The respondent states that these are likely to be on the hard copy in the files of the individual Autorickshaws.

The Commission directs the respondent to provide an inspection of the relevant files to the Complainant or his representative. The inspection will starts from 27 July 2009 at 10.00am and continue till the end of each day until the inspection is over. Photocopies of reasons of locking will be provided to the Complainant.

The Complainant had also asked for details of total number of Public Service Vehicle Badges issued since 2003 zone-wise by the zonal authorities of the department. The figures have been given but the Complainant alleges that the data is false. This is information which should be available suo-moto as per Section 4. *The PIO was directed to ensure that the names of the Badge holder and the Badge numbers must be put up on the website before 15 October 2009 with the details of whether it is provisional of permanent and dated of application.*

10. CIC/SG/A/2009/001213+1214/3969 02 July 2009

Appellant: Smt. Nagina Devi

Respondent: Mr. Amod Bardhwal on behalf of PIO Mr. A. K. Singh, Food Supplies & Consumer Affair, GNCTD

The PIO was directed to ensure that the list of people for APL & BPL cards with the dates of application dated on which the cards are given to them and reasons for rejection if any with dates must be provided suo-moto by the public authority on its website. *The PIO will inform the*

appropriate officer about this requirement of Section 4 and ensure that this is done before 15 August 2009.

11. CIC/SG/A/2009/001209/3974 dated 02 July 2009

Appellant: Mr.Dinesh Kaushik

Respondent: Dr. K.S.Yadav, PIO Directorate of Education, GNCTD

The Commission directed the PIO to ensure that details of information about admission to economically weaker sections for the past 3 years for all schools must be put up on the website under Section 4 before 15 August 2009. The information about admission during 2009 must also be put up. The PIO will also ensure that the details mentioned above are put on the website giving names of the students and their parents for all schools for the years 2006 to 2009.”

12. CIC/SG/A/2009/001450/4173 dated 17 July 2009

Appellant: Absent

Respondent: Absent Health and Family Welfare Department, GNCTD

The information sought was mostly the information that the department is expected to declare suo-moto under the Section 4 of the RTI Act. It appeared that the department has not made information available under Section 4 as it should have done by 12 October 2005 and updated regularly.

The PIO was directed to send the complete information to the Appellant and ensure that its Section 4 declaration is updated and put up on the website before 15 August 2009.

13. CIC/SG/A/2009/000985/3712adjunct dated 16 July 2009

Appellant: Absent

Respondent: Mr. N.K. Gupta deemed PIO - Slum & JJ Department, MCD

The Commission directed Mr. Y.P.Rawal director SUR Section to ensure that indexing and cataloguing of all the records is done before 15 September 2009. A Compliance report will be submitted to the Commission by Mr. Y.P.Rawal before 20 September 2009 failing which the Commission will be forced to taken action.”

14. CIC/SG/A/2009/001429/4153 dated 16 July 2009

Appellant: Mr. Kishore Bhandari

Respondent: Mr. A.K. Sharma, PIO – SDM(Seelampur), GNCTD

The PIO should have provided the manual and the guidelines based on which the working of the Public Authority is done. This should have been disclosed suo-moto under Section 4 of the RTI Act. The Public Authority has apparently has not done this. The PIO was directed ensure that these are uploaded on the website before 15 August 2009. He was also directed to ensure that other Section 4 disclosures are also in place by 15 August 2009.

15. CIC/SG/A/2009/001443/4159 dated 16 July 2009

Appellant: Mr. Ashok Sadana

Respondent: Mr. Tej Singh, PIO Registrar of Cooperative Societies

The information sought by the Appellant should be with the Registrar of Society as per their rules and normal functioning. The PIO admits this but states that the file is ‘not traceable’. The RCS has a

certain function of containing certain information and regulating the working of societies. If this information is not available with the RCS there is a serious doubt about its purpose of existence since it cannot be doing its function of regulating the societies. RCS reputedly claims that the information which it should have is not available and directs various societies to provide the informations. This act of RCS has no basis in Law.

Looking at this the Commission directs the PIO to ensure that the names of all the societies under the Control of the Public Authority details of the registration and dates on which the Annual Returns are submitted by the societies must be put up on its website as part of its Section 4 compliance before 15 August 2009.

16. CIC/SG/A/2009/001404/4143 dated 15 July 2009

Appellant : Absent

Respondent : Mr. S. K. S. Yadav, PIO - Department of Urban Development

The information sought by the Appellant from the Urban Development Department regarding assembly constituency Bhalaswa Jhangirpuri of Shri Jile Singh Chauhan the then MLA has been provided. As regards other information the PIO has transferred the RTI application to MCD, Delhi Jal Board, Department of Power and Irrigation and Flood department the Appellant had not filed any first appeal to these departments.

The Commission directed the PIO of Urban Development Department to ensure that the disclosure as per Section 4 are made on their website. In particular the Commission directs that disclosure of funds allocated for MPs, MLAs and Councilors are displayed on the website project-wise and date-wise before 15 August 2009.

17. CIC/SG/A/2009/001380/4117 dated 14 July 2009

Appellant : Mr. Vijay Kumar Garg

Respondent : Mr. Dharam Vir Singh, PIO - Department of Social Welfare, GNCTD

The information sought by the appellant concerns pension schemes for the Sr. Citizens and the Widows who are poor. As per Section 4 this information should have been suo-moto declared by the public authority which it has failed to do. Even against specific RTI query the PIO has provided some information late and not provided the balance at all. This incident and callous method of giving information reflects the reasons for failure to deliver required benefits to the poor and the proliferation of corruption in such schemes.

The PIO was directed to ensure that the details giving name, age and address of Applicants under all such Schemes is displayed on the website indicating if the application was accepted and the date from which the entitlement is given, dates on which applications are rejected if any and reasons for rejection. This order was given for comply with the requirement of Section 4 of the RTI Act. The PIO was directed to ensure that this information is displayed on the website before 15 August 2009 and hard copies available at the office.

18. CIC/SG/A/2009/001520/4364 dated 04 August 2009

Appellant: Mr.Ajay Kumar Goel

Respondent: Ms. Neelam Verma, PIO- Directorate of Education, GNCTD

The PIO was directed to ensure that the details of the feedback forms regarding Pre-Primary Admissions will be put up suo-moto under Section 4 of the RTI Act on the website of the department. It will ensure that this data for the year 2009-10 is put-up on the website before 30 August 2009.

19. CIC/SG/A/2009/001509/4357 dated 03 August 2009

Appellant: Absent

Respondent: Ms. Seema Bawa, PIO – Registrar of Cooperative Societies

The PIO states that they are not able to give the information about when the last audit report had been submitted by the societies. This is indicative of the fact that the Registrar of Cooperative Societies is not performing the basic function for which it has been setup. As a matter of fact details of cooperative societies registered with it, details of dates on which statutory obligations are met with, which societies are defaulters and dates on which administrators have been appointed in some societies must be displayed under Section 4 of the RTI Act on the website of RCS. *The PIO is directed to ensure that this complete list is put-up on the website of RCS before 30 September 2009.*

20. CIC/SG/A/2009/001648/4590 dated 27 August 2009

Appellant: Mr. U.S. Singhal

Respondent: Mr. Lalit Mohan, PIO- Delhi Jal Board, Jhandewalan

The PIO has given certain information after the order of the FAA. The only thing delaying is that the Respondent stated there is no office order regarding providing of Maintenance of individual sewer line and water connection. They however claim that the practice has been that individual connection holders maintain the water and the sewer lines.

The PIO was directed to give the Appellant a copy of the duties of the officers from JE to EE. This infact is a Section 4 requirement and the PIO will ensure that these are putup on the website for all officers before 30 September 2009.

21. CIC/SG/C/2009/000442/3817Adjunct dated 24 August 2009

Appellant: Absent

Respondent: Mr. RP Yadava, PIO, DDE (NE) – Directorate of Education

The Respondents state that they have not been able to supply the information, since the department does not have the information.

The Respondents admit that the audited balance sheets of all schools and the fee structure have to be submitted to the Department as per Delhi School Education Act 1973 and Rules - Rule 180. These have to be submitted to the Department by all schools by 31 July 2009 of each year. However, they admit that the Department has not bothered to take these in the last many years. It is apparent that the regulatory role which they are supposed to fulfill is not being fulfilled by them. The PIO is directed to obtain these from the said school or take punitive action as per provisions of the DSEAR 1973.

The PIO will send the information to the Complainant and the Commission before 30 September 2009. If they are unable to get the information, they will send a certificate to the Complainant and the Commission evidencing that they have taken punitive action as per DSEAR. *The PIO was*

directed to ensure that the details of which schools have submitted the returns as per the Act are put up on the website under their obligations under Section 4 of the RTI Act. This must be done before 30 September 2009.

22. CIC/SG/A/2009/001628/4548 dated 24 August 2009

Appellant: Mr. P.C. Pande

Respondent: Mr. A.K.Mittal, PIO MCD, Rohini Zone

The Appellant was asking for duties and responsibilities of the officers which is a requirement of Section 4 of the RTI Act. The PIO will ensure that this information is put-up on the website of MCD before 30 September 2009.

23. CIC /SG/A/2009/000189/2338Adjunct dated 19 August 2009

Appellant : Mr. A.N. Prasad

Respondent : Dr. Alok Singh, PIO, Horticulture Department, MCD

The Appellant states that most of the information has been provided but no information has been provided on the Schedule of inspection of the park and the records of works done in the park. The PIO states that there is no record pertaining to inspection or parks and records of works done in the parks. The PIO will give this in writing to the Appellant before 27/08/2009.

The PIO informed the Commission that work schedule is now being maintained by the Section Officers of the works done in the various parks. *The PIO was directed to ensure that the details of this are put up proactively on the website of MCD in compliance of Section 4 requirements. This will be done before 30 September 2009.*

24. CIC/SG/C/2009/000611/4683 dated 03 September 2009

Complainant: Mr. Jai Narain

Respondent: Ms. Renu Popli, PIO – Delhi Transport Corporation, BBM Complex

The Commission directed the PIO to ensure that in compliance of Section 4 names of those who apply for Pensions and Provident Funds are put up on the website as soon as the application is received within a week. The action taken on these must also be displayed giving dates. If any applications are pending for over 30 days this should be mentioned giving reasons. These details shall be updated every week and the date of updation will be mentioned on the website

25. CIC/SG/C/2009/001066/4676 dated 02 September 2009

Complainant: Ms. Anjali Bharadwaj

Respondent: Mr. Pradeep Khandelwal, SE(Planning) MCD HQ; Mr. K.Sambhamurthi, SE & PIO-Irrigation and Flood control department; Mr. K.P.Suhag, Office Superintendent-Power Department; Mr. H.S.Verma, JFA-NDMC;

The PIO' present state that the allocation of funds is done by Urban Development Department and they give a monthly report about the progress of the works and the amount spent. The complaint was against the PIO of the Urban Development Department though hearing notice sent to him to appear before the Commission at 10.00am he has abdicated his responsibility and not come to hearing.

The PIO of MCD(HQ) Mr. Pradeep Khandelwal assures that Commission that the details of the progress of work and the amount spent will be put-up on the MCD's website before 15 September 2009. The PIO of Power Department Mr. K.P.Suhag claims that there is no allocation of MLA funds for the power departments so far. The power department will putup the allocation of zero on the website. If and when any allocation is made they will display the amounts allocated name of work, progress of work and amount spent. The PIO of NDMC states that the information has been uploaded on the website on 29 August 2009. Mr. K.Sambhamurthi states that the information as described will be putup on the website before 20 September 2009. All PIO's are directed to ensure that this information is updated every month and the date of updation shall be mentioned on the website.

Mr. S.K.S. Yadav, Joint Secretary and PIO Urban Development Department has all the information according to the PIOs present. The website of the Urban Development Department does not display the details work-wise and the amount and the progress of the works which was the main complaint of the Complainant. The Statements of the all the PIO present is that they are giving monthly report to Urban Development Department about this and therefore it appears that the PIO of Urban Development Department Mr. S.K.S. Yadav is taking his job very lightly. His irresponsible action has resulted in four officers of the Government of various department have come to this hearing resulting in half a days loss of work. ***Mr. S.K.S. Yadav PIO of Urban Development Department was directed to ensure that the complete details as suggested by the Complaint are putup on the website of Urban Development Department before 15 September 2009.***

26. CIC/SG/A/2009/001828/4846 dated 18 September 2009

Appellant: Mr. Rakesh K. Gupta

Respondent: Mr. V.K. Garg PIO – DSIIDC, GNCTD

The Appellant has asked for information which is covered under Section 4 requirements of the RTI Act. It is apparent from the replies given by the PIO that the Section 4 compliance of the organization is fairly poor. The Section 4 compliance was to be done by 12 October 2005 and after four years it has still not been complied with. ***The Commission directed the PIO to ensure that all the details required by Section 4 of the RTI Act are complied with and the information displayed on its website before 30/11/2009.***

27. CIC /SG/A/2009/000181/2745adjunct dated 17 September 2009

Appellant : Mr. A.N. Prasad

Respondent : Dr. H.C.Pokhriyal, Dean Exams; Mr. Jay Chanda, PIO, Delhi University & Mr. R.P.Singh, Dy. Registrar Results

The Commission directed the PIO Mr. Jay Chanda to ensure that the details of the Internal Assessment scheme be put up on the Universities' website in fulfillment of its Section 4 complaince. This should be done before 30 October 2009.

28. CIC/SG/A/2009/001740/4756 dated 11 September 2009

Appellant: Absent

Respondent: Mr. H.S.Chowdhry (PIO-Headquarter) Directorate of Education, GNCTD

The disclosure of the salary of the teacher is a requirement under Section 4 of the RTI Act. ***The Commission pointed out that the details of the monthly remuneration received by its***

officers and employees including the system of compensation as provided in its regulations must be put up suo moto as per Section 4(1)(b)(x) of the RTI Act. The PIO was directed to ensure that this requirement of Section 4 is complied with on Directorate of Education website before 30 October 2009.

29. CIC/SG/A/2009/001743, 1775/4764 dated 11 September 2009

Appellant: Mr. Virendra Kumar

Respondent: Mr. V.R.Bansal (PIO) MCD, West Zone, Rajouri Garden

Some of the information has been provided to the Appellant. However, his queries about granting of permissions for installation of mobile towers at WZ-81 & WZ-81A, Hari Singh Park, New Multan Nagar has obtained a reply from PIO, Rohini Zone on 10/02/2009 stating "Record regarding issuance of NOC is not available/traceable in this office." This appears to show an obvious collusion to safeguard towers which may actually be installed illegally. The PIO Rohini Zone must clearly state whether permit has been issued or not. The reply given is obviously meant to obfuscate the matter and safeguard the interest of mobile towers which may have been erected in contravention of the law. The Commission is distressed at the number of illegal towers citizens seem to be discovering, and the collusion of the MCD officers seems apparent. It is a very sad state of affairs that MCD is not taking up the work of curbing such illegal practices which may be a very big hazard to public safety. *The Commission ordered that details of all illegal towers identified by MCD shall be displayed on its website under its obligation under Section 4 of the RTI Act. The PIO will ensure that this is done before 30 October 2009.*

30. CIC/SG/A/2009/001729/4746 dated 10 September 2009

Appellant : Absent

Respondent : Mr. Subodh Kumar PIO - Food and Supplies Department, GNCTD

The PIO refused to give the information after 37 days without assigning any reasons explaining how any of the exemptions of Section 8 (1) apply. The plea that third parties are refusing permission is no ground for denial unless some exemptions under Section 8(1) are claimed and justified. The First appellate authority has not understood the law and has directed the appellant to participate in a public audit! There appears to be no ground for denial of the information.

The PIO contends that this information is used to blackmail the ration shop owners. *The Commission directed the PIO to ensure that this information is put up for his Zone on the website under the provisions of Section 4 so that everybody has access to this information.* The PIO's contention that this information can be used for blackmail indicates that irregularities are brought out and therefore if the information is publicly available irregularities would also be curbed. *The PIO will ensure that this information is put up on the website before 15 October 2009.*

31. CIC/SG/C/2009/000864; 000867; 000869; 000870; 000872-000874/4638 dated 01 September 2009

Complainant: Ms. Ritu Mehra

Respondent: Mr. RP Yadav, PIO, Directorate of Education, North East, Jamuna Vihar

"The Complainant pointed out that the most essential information which must reach schools and their parents is not available today. After discussions, the Commission directed the PIO to ensure that the following is done in compliance of Section 4 requirements. All schools will display:

1. The entitlements of the students and all welfare schemes applicable to the students. This should also display the dates by which these entitlements have to be provided.
2. The last date by which the student diaries should be given to the students.
3. Information about the Education Officer and the Deputy Director of Education who is incharge of the Zone and the District.

These will be displayed prominently in all schools in Hindi and English and also on the website of the Department before 25 September 2009

32. CIC/SG/A/2009/001821/4844 dated 17 September 2009

Appellant: Absent

Respondent: Mr. RK Ahuja, SPIO (HQ); Mr. KK Mittal, Link SPIO (HQ); Mr. Suniti Kumar representing SDM Connaught Place); Mr. PC Tiwari representing SDM Delhi Cantt; Mr. SK Sharma representing SDM Rajouri Garden; Mr. SK Nanda representing LHA HQ Directorate of Prevention of Food Adulteration

From perusal of the papers and the explanation given by the Respondent, it appears that information has been provided as per the records available. The respondent informs the Commission that the reports of the samples drawn and adulteration found are posted on the intranet and this information is made available only to the officers of the department. ***The Commission directs the PIO to ensure that this information is displayed on the website before 05 November 2009. The Commission directed that this is a requirement of Section 4 of the RTI Act.***

33. CIC/SG/A/2009/001816/4838 dated 17 September 2009

Appellant: Mr. Vinay Kumar

Respondent: Mr. Gurbax Singh, APIO - Sant Longwal Institute of Engg. & Technology

It appeared that Section 4 compliance of the Institute is very poor. ***The PIO was directed to ensure that the Section 4 compliance is properly done and all the information required is displayed on the website. The PIO is directed to ensure that this is done before 30 October 2009.***

34. CIC/SG/A/2009/001881/4879 dated 22 September 2009

Appellant : Mr. Gopal Pandey

Respondent : Mr. Ashok Kumar, PIO – Registrar of Cooperative Societies

The PIO was directed to ensure that the names of societies which have complied and those who have not complied is put up on the website of the department by 31/12/2009. This had been ordered as a requirement of Section 4(1) (b) (xvii).

35. CIC/SG/A/2009/001873/4876 dated 22 September 2009

Appellant : Mr. Ashok Panjwani on behalf of Dr. R. Kumar

Respondent : Mr. Vivek Raman, PIO – Indian Institute of Technology, New Delhi

The PIO stated that the Institute had not met the requirement of Section 4. The Public authority does not have list of all the files being used by. This was required as per the RTI ACT by 12/10/2005. ***The PIO was directed to ensure that the list of all the files is prepared and categorized properly before 30/10/2009.***

36. CIC/SG/A/2009/002317/5452 dated 10 November 2009

Appellant: Mr. Piyush Jain;

Respondent: Mr. P.K. Sharma, Public Information Officer & Accounts Officer;

Information about defaulters of payments cannot be considered third party information and infact must be available suo-moto under Section-4 of the RTI Act. The PIO is also directed to putup the list of all the defaulters giving the amounts on the website of NDMC under its Section 4 obligations. **This will be done before 15 December 2009 and a compliance report will be sent to the Commission before 20 December 2009.**

37. CIC/SG/C/2009/901074/5715 dated 26 November 2009

Complainant: Mr. S. Raman Sankaranarayanan on video conference from NIC Tirchy studio;

Respondent: Mr. J. Ernest Samuel, Public Information Officer & Registrar;

The PIO will give information to the Complainant with regard to RTI application of March 2007 that the list of vacancy cadre wise in the advertisement is not been maintained. The PIO will provide the scheme of assessment for CIS assessment. The PIO states that he has given information to the Complainant that the marks are not placed on records for the candidates who are not selected. This is not a vey healthy practice and appears to be designed to favour arbitrariness. The Complainant wanted to know about the time period in which the HOD must forward the application of any faculty member to higher authorities. The Complainant states that his application was held by the then HOD Mr. Srinivas Roa for over three months without giving any reasons. If this is true this is a feudal and arbitrary method of working and the Institute must set out the norms of working as required under Section 4(1)(b) (iv). The Institute is instructed to ensure that it fulfills it obligations under Section 4(1)(b) and set down all the requirements as per the RTI Act. The PIO is directed to ensure that the Institutes Section 4(1) compliances are complied with and is putup on the website before 31 December 2009. The PIO will also send a compliance report to the Commission before 10 January 2010.

38. CIC/SG/A/2009/002673/5898 Dated 15 December 2009:

Municipal Corporation of Delhi , (Civil Zones and Rohini Zone)

The details of the entitlements given to beneficiaries have to be given suo-moto as per Section 4(1) (b) (xii) of the RTI Act. This condition was to be fulfilled by 12 October 2005. MCD has not done this so far. The Commission directs the PIOs to ensure that this is **done before 30 January 2010** failing which the Commission will have to take appropriate action under the RTI Act.

39. CIC/SG/A/2009/002761/6079

Respondent: Mr. Arvind Mishra, Public Information Officer & Dy. Medical Superintendent;

The Appellant has been given most of the information but information on the budget has not been provided to him. The PIO is directed to provide the budget for the last two years to the appellant. It also appears that the Section - 4 compliance of the public authority has not been done. The PIO is directed to ensure that the complete Section - 4 declarations are made available on the website of the public authority before 30 January 2010.

The PIO was directed to ensure that the complete Section - 4 declarations are made available on the website of the public authority before 30 January 2010.

40. CIC/SG/A/2009/002993/6311 07 January 2010

National Council of Educational Research and Training (NCERT),

The PIO has stated that the public authority do not have a specific analysis of correction/mistakes. The appellant pointed out that one report of 2008 analysis did carry this as part of the over all qualitative analysis. After this the PIO has provided the qualitative analysis report of the year 2008. The PIO has stated that they do not obtain the papers and answer keys to the exams conducted by the States and hence do not have these. The Appellant claims the qualitative analysis shows that the number of mistakes is very high whereas the respondent states this is not the case. The Commission directs that as part of Section-4 compliance the NCERT will ensure that the qualitative analysis report is put up on the website.

The Commission directs the PIO to ensure that as part of Section-4 compliance the NCERT will ensure that the qualitative analysis report is put up on the website before 30 January 2010.

41. CIC/SG/A/2009/002910/6364 13 January 2010

Department of Social Welfare

Most of the information sought by the appellant should actually be declared suo-moto by the public authority under its Section-4 obligations. The Commission had by its order of 14 July 2009 no. CIC/SG/A/2009/001380/4117 directed Mr. Dharam Vir Singh, PIO(North-West-I), Rohini to ensure that the following information was available on the website:

“The PIO was directed to ensure that the details giving name, age and address of Applicants under all such Schemes is displayed on the website indicating if the application was accepted and the date from which the entitlement is given, dates on which applications are rejected if any and reasons for rejection. This order was given for comply with the requirement of Section 4 of the RTI Act. The PIO was directed to ensure that this information is displayed on the website before 15 August 2009 and hard copies available at the office.”

The Commission finds that this order has not been complied with. The Commission now directs this PIO to ensure that details of all welfare schemes are putup on the website giving details of beneficiaries. The PIO is directed to ensure that the Section-4 declarations are putup on the website before 15 February 2010. The Compliance report will be sent to the Commission before 20 February 2010.

42. CIC/SG/C/2009/001627/6018 - 21 December 2009

Department of Education - GNCTD

The Commission therefore directs the Director to ensure that the following is implemented in compliance of Section 4 requirements. All schools will at a prominent place, display on a notice board:

1. The total no of seats in all classes in a school.
2. The total vacancies in all classes.
3. The total no of seats under EWS quota.

4. Seats still available under EWS quota.
5. Total applications received under EWS quota.
6. Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will also update the information on notice boards once every week. The information needs to be put up in both Hindi and English.

The Director will ensure that all information mentioned above will be displayed in the schools in Hindi and English and also on the website of the Department before 25 January 2010.

43. CIC/SG/C/2009/001619; 001621; 001622/6047 dated 22 December 2009.

Department of Food and Supplies

The Commission discussed the various issues that were indicated in the Agenda which included information that must be displayed at the Fair Price Shops and the Circle Offices in compliance with the Department's own orders as well as requirements of Section 4 of the Right to Information Act 2005. After consultation with the Food Commissioner as well as others present, the Commission directs that the following information should be displayed at every Circle Office of the Department:

- i) Copy of all ration cards along with photographs of individual card holders in the circle offices of Food and Supply Department.
- ii) All citizens should have access to daily sale register, and stock register under *suo moto* disclosure of RTI Act.
- iii) Name and designation of each official in the Circle office along with their stated roles and responsibilities.
- iv) Name and contact details of PIO's and FAA.
- v) Procedure to apply for new ration cards and the list of documents required.
- vi) Time frame for disposal of various applications (new cards, renewal, change of address etc).
- vii) Date of the next Vigilance Committee meeting and names of the members of the Committee.
- viii) Rights and privileges of ration card holders as per Section 6(7) of Annexe to PDS Control Order 2001.
- ix) List of documents present in the Circle Offices.

The Complainant brought a sample display print of the information that may be displayed outside each Fair Price Shop. Keeping this in view, the Commission directs that the following information will be displayed at the Fair Price Shops under the Department:

- i) Entitlement of essential commodities for all types of ration cards.
- ii) Scale of issue of each essential commodity for all types of ration cards.
- iii) Retail prices of each essential commodity for all types of ration cards.
- iv) Working hours of fair price shops.
- v) Stock of essential items received during the month.
- vi) Opening and closing stock of essential commodities.

- vii) Name, designation and contact numbers of officials for redressal of grievances with respect to quality and quantity of essential commodities.
- viii) Daily updation of stock position information
- ix) Information about inspection of records by any citizen on every Saturday except for second Saturday as per the PDS Control Order dated 15/06/2006.
- x) Display of samples of food grains being supplied through fair price shops.

The Food Commissioner has given a commitment to the Commission that she will ensure that the afore-mentioned information will be displayed before 31 January 2010.

The Department will ensure that the afore-mentioned information is displayed in the Circle Offices and the Fair Price Shops before 31 January 2010. A compliance report will be sent to the Commission before 05 February 2010.

44. CIC/SG/A/2009/003177/6602 dated 29 January 2010

Jawahar Lal Nehru University

The PIO has given information but need to clarify whether any inquiry was conducted on the complaint, dates on which the inquiry was conducted, the people who conducted the inquiry, the peoples who were called for the inquiry and records of the proceedings if any. If any of these has not been maintained this should be stated.

The Commission also directs that the University must make norms for conduct of inquiries and display them on its website before 28 February 2010 in discharge of its duty as per Section 4(1)(b)(iv) of the RTI Act.

45. CIC/SG/A/2009/003183/6608 dated 29 January 2010

Delhi Jal Board

The appellants has sought timings of water supply in his area. The Commission directs the PIO to ensure that timings of water supply of all areas are displayed on the website of Delhi Jal Board. If these timings are changed the website is updated accordingly. The Commission directs that these timings are displayed on the website under its Section - 4 compliance before 28 February 2010.

46. CIC/SG/A/2009/003179/6672 dated 03 February 2010

Municipal Corporation of Delhi (Civil Lines Zone)

The PIO has provided certain information but the Appellant has certain basic issues which are being framed by the Commission as follows:

- 1- Does MCD have any norm for time taken to attend to a complaint by a citizen?
- 2- If a complaint is not attended to within a time frame decided by MCD, what action would be taken against officer responsible.
- 3- The process of issue of work orders and subsequent actions including the process by which the bill payment is made.
- 4- The process of auditing the work and certifying the work and the bills.

The information being sought must actually be part of Section-4 disclosure of the public authority. All public authorities must display their norms and the process by which complaints are attended as well as the method by which they made payment for supplies. The PIO is directed to ensure that

information relating to these matters is displayed on the MCD's website in discharge of its duties under Section-4 of the RTI Act.

47. CIC/SG/A/2009/003226/6680 dated 03 February 2010

Municipal Corporation of Delhi – (Health Department)

The information provided by Shahdara South Zone is very revealing since it shows that there are 38 banquet halls operating out of which 35 are without any license and the three which has been adhoc registrations are in residential areas which the Dy. Health Officer Mr. Ajay Handa states is not permissible. It is also revealing that in the one year it appears not a single challan has been issued in this zone for serving food in these banquet halls without a license. If MCD does not wish to regulate this activity it would serve a social purpose better if it decided to remove all licensing norms. This might results in lesser contempt for the law.

The Commission feels that the citizen have brought up a very valid issue and it is surprising that MCD claims it does not have centralize information on how many banquet hall in the Delhi and how may are licensed. This is one of the basic duties of a Municipal Corporation

The Commission directs Dr. Ajay Handa, Dy. Health Officer, Shahdara South to collect the information from all the zones about the names and addresses of banquet halls, whether they are licensed and number of challans issued against them in the year 2009. This information will be put up on the website of MCD before 28 February 2010. The PIO will also ensure that information about challans issued against unlicensed banquet hall will be updated every halls. The PIO will also ensure that the regulations for the banquet halls is putup on the website. This direction is being given and MCD must comply with it in discharge of its obligation under Section -4 of the RTI Act.

48. CIC/SG/A/2010/000104/6890 - 18 February 2010

Drugs Control Department, GNCTD

The Commission directs the PIO to ensure that details of all samples which are found substandard by the inspector must be putup on the website every month giving details of date on which the sample was drawn, name of drug and name of manufacturer and action taken in the matter. This must be putup before 10th of the subsequent month every month starting with January 2010.

The PIO is directed to putup details of substandard/spurious drugs detected by the Department every month as directed above under its Section-4 Compliance. A compliance report will be sent to the Commission before 15 March 2010.

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