

Implementation of “Right To Information ACT, 2005”
By Government of NCT of Delhi in first 200 Days

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BACKGROUND

The Government of NCT of Delhi introduced ‘Delhi Right to Information Act’ on 2nd October, 2001 when the citizens were given an important right to get information as a matter of right from any departments/agencies of Government of Delhi, including the local bodies viz MCD and NDMC. However, Delhi Police, Land, Law and Order were not covered, being central subjects. During a period of four years and six months 9673 applications were received under the Delhi Right to Information Act, 2001.

The Government of India has also given a parallel right to people through Right to Information Act, 2005 which has come into force w.e.f.12th October, 2005. It is applicable to all public authorities of Government of NCT of Delhi including Delhi Police, Land, Law and Order. The Government of NCT of Delhi is thus implementing both the Acts concurrently and the citizens are free to apply under any of the two Acts.

2. Designation of Officers:

RTI Act, 2005 stipulates that the each public authority should designate a number of officers for implementing the provisions of the Act. The Assistant Public Information officers are designated for receiving applications and appeal cases. The Public Information Officers are designated for disposal of requests received under the Act for supply of information or rejecting the request with cogent reasons. The First Appellate Authority are designated for attending to first appeals filed within the public authority in case the applicant is denied the information or the information supplies is delayed or found to be wrong etc. Delhi government has designated nearly 453 Public Information Officers and about 140 First Appellate Authorities. Nearly 900 Assistant Public Information Officers have also been appointed under the RTI Act, 2005.

Experience of 200 days reveals that the people of Delhi are using the new Act more as compared to the old Act. The Government of Delhi used to receive 200 applications per month, on an average, under the Delhi Right to Information Act, 2001. Under the new Act the number of applications being received per month is around 500 per month and this number is increasing every month. The number of applications under the old Act has gradually reduced from an average of 200 to about 30 during the month of March 2006.

3. Status of applications

The status of applications received and disposed off during a period of 200 days under the new Act is as under (till 30.04.2006):

Applications received	-	3313
Applications disposed off	-	2443 (73.7%)
Applications where further fee is awaited	-	45 (1.4%)
Applications under process	-	825 (24.9%)

4. Analysis of applications:

An online system has been developed which not only provides status of applications to applicants on real time basis but also enables people to see information being sought and being provided. The online system also generates statistics on nature and type of information being sought. Some of the important findings are given below: -

4.1 Use by Below Poverty Line (BPL) personnel

An analysis of the applications reflects that about 5.8 % applicants belonging to below poverty line have also used their right under the new act.

4.2. Major category of information being sought

Applicants have sought information in the following areas: -

Copies of documents	-	1741
Inspection of documents	-	251
Sample of material	-	30
Third Party Information	-	270
Reply on other issues		161

4.3. Life and Liberty cases

Thirty-one (31) applicants have sought information under the category of life or liberty while the rest of the applications were of routine nature.

4.4 Departments where citizens are more active

The citizens have been more active in the public dealing departments as will be evident from the table given below: -

S. No.	Department	No. of applications Received	% To total receipt
1	MCD (Municipal Corporation of	836	25.23

	Delhi)		
2.	Education	348	10.50
3.	Divisional Commissioner & D.C.s	315	9.50
4.	Industries	237	7.15
5.	Cooperatives	167	5.04
6.	DJB (Delhi Jal Board)	164	4.95
7.	Health & Family Welfare	144	4.34
8.	Land & Building	142	4.28
9.	Food & Supplies	128	3.86
10.	NDMC (New Delhi Municipal Corporation)	111	3.35
11.	DTC (Delhi Transport Corporation)	109	3.29

The two local bodies viz., MCD and NDMC jointly account for 28.58 % of the total number of applications received.

4.5 Nature of information sought by applicants

Analysis of 3313 applications has further been done to identify the areas where citizens are seeking more information. It shows that citizens are quite active in the following areas:

Admission and Withdrawal of pupils	130
Complains against aided and unaided schools	95
Engineering wing of MCD/NDMC/PWD	131
Firms and society registration	156
General issues concerning public	436
Land matters	92
Policy matters	162
Redressal of personal grievances	134
Service/ Establishment matters	402
Tender /contract matters	62
Unauthorized construction	116
Vigilance matter	77
Other issues	882

It also shows that the common man has used this tool to get his grievances redressed in matters like admission in schools, problems of aided and unaided schools, allotment of alternate plots, taxation matters, tenders, health care, registration of firms and societies etc which should have been resolved under grievance redressal mechanism. This also drives home the point that there is urgent need to revamp the grievance redressal mechanism. A detailed analysis of the applications is given in Annexure –I.

4.6. Sector-wise Information Need: -

Information being sought has been categorized under different sectors and analysis of information need has been done. The sector specific information needs is as given below: -

How citizens have used the RTI in different sectors: -

4.6.1 Food & Supply (Ration shops /Food Card)

In the Food & Supply Department, citizens have used RTI to get information in the following areas: -

Activity	No of applications
Issue/renewal amendment of food cards	51
Service/Establishment Matter and vigilance cases	12
Redressal of personal grievances	8
Policy matter	7
General Issues concerning public	4
Non availability of services	1
Non-Opening of shops	1
Others	57

However, no application has been made regarding black marketing, non-supply of ration, non-availability of commodities etc.

4.6.2 Education Department

In the Education Department citizens have been concentrating in the following areas:

Activity	No of applications
Admission and withdrawal	130
Complaints against public schools	95
General issues concerning public	69
Service matters including pension	22
Redressal of personal Grievances	3
Non-availability of services	2
Policy matter	1
Recruitment rules	1
Retirement benefits	1
Tender contract related issues	1

4.6.3 Delhi Jal Board

In Delhi Jal Board status of applications received is as under:-

Activity	No of applications
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Billing Problem	9
Service Matters and vigilance	29
Tender related	26
Redressal of personal grievances	18
Policy Matter	15
Water shortage	9
Sewer Choking	6
General Issues concerning public	3
Other matters	62

However, no application has been filed with regard to non-availability of tankers, poor quality of water, etc.

4.6.4 Land & Building

In this department, citizens were asking information in the following areas: -

Activity	No of applications
Allotment of alternate plot	50
Land acquisition	37
General issues concerning public	28
Policy matter	2
Redressal of personal grievances	2
Legal Matter	1
Other matters	23

4.6.4 Divisional Commissioners and Dy. Commissioner Office:

Nine D.C. Offices and its Head quarters received applications concerning the following matters:-

Activity	No of applications
Issue of various types of certificates	34
Land Matters	80
Registration of documents	29
General Issues concerning public	22
Stamp Duty	14
Policy matter	10
Service Matters/Vigilance	3
Other matters	109

4.6.5 Local bodies viz MCD and NDMC

MCD and NDMC were questioned about following aspects: -

Activities	MCD	NDMC
Service matters	142	1
Engineering Department related	120	11
Unauthorized Construction	110	6
Education	71	11
Taxation	62	-
Licensing	50	11
General Issues concerning public	36	17
Health care	27	-
Sanitation	27	-
Vigilance Matters	25	3
Horticulture	20	2
Redressal of personal grievances	17	4
Tender related	15	-
Policy matter	7	8
Poor Quality of Roads	6	-
Retirement Benefits	4	1
Community centre/Park Booking	2	0
Legal matters	1	0
Others	212	38

4.6.6 Health and Medical: -

In the Health and Medical Sector the requests were received in the following areas: -

Activity	No of applications
Medico Legal cases	61
Service Matters	22
Policy matters	16
Vigilance matters	4
General issues concerning public	4
Tender Related	2
Non-availability of services	1
Redressal of personal grievances	8
Retirement Benefits	1
Others	26

4.6.7 Industries

In the Industries sector the citizens have filed applications in the following areas; -

Activity	No of applications
Firms and Society Registration	156
Policy matter	19
Land Matter	12
General issues concerning public	11

Service Matters	9
Pollution	1
Illegal industry	1
Others	25

4.6.8 Training and Technical Education

In this department employees appear to be more active as may be seen from the following; -

Activity	No of applications received
Services Matters	23
Policy matters	8
Vigilance Matters	2
Retirement Benefit	2
General Issues concerning public	1
Others	26

4.6.9 Services Department (Department of Personnel)

In Services Department employees have filed application in the following areas: -

Activity	No of applications received
ACP/Promotion	3
Service Matters	9
Policy matter	5
Reservation Policy	2
General issues concerning public	2
Redressal of Personal Grievances	2
Recruitment Rules	1
Transfer policy	1
Seniority	1
Retirement Benefits	1
Others	21

4.6.10 DTC (Delhi Transport Corporation)

In DTC employees have surpassed the citizens in seeking information. The officials have raised 65 applications in service matters and 7 matters for settling their retirement benefits. Issues concerning general public and non-availability of bus services were just five. However, nine applications were received with regard to policy matters.

An analysis of these applications reveals that apart from the citizens, government officials have also used this as a tool to redress their grievances in the matter of

vigilance cases, service related issues etc. They have also questioned selection process, promotion, recruitment rules, seniority matters, retirement benefits, reservation policy etc.

The above statistics shows that the citizens in Delhi have become conscious about their rights and are striving to get more and more information to highlight their problems and bring to limelight the deficient areas where the government needs to pay more attention. The experience of four years under the Delhi Act has played a big role in smooth implementation of the new Act and its wide use.

5. Delay in disposal of cases

The online system also tracks time taken in disposal of applications. Analysis of disposal shows that in 26% of cases information was delayed beyond time period stipulated under the Act. Details in respect of top 8 departments is given below. The matter is being enquired to find out the reasons for such delays so that remedial action could be taken.

Departments	No. of applications received	No. of applications delayed
MCD	832	245
NDMC	111	23
Registrar Cooperative Society	154	64
Food &Supplies	128	42
Land & Building	142	69
Division Commissioner & D C Office	307	72
Training and Technical Education	58	9
Education	348	19

6. Appeals

The applicants who are not satisfied with the information given by the Public Information Officers or in the case of delay can file an appeal before the first appellate authority within the department and thereafter before the Central Information Commission. Government of Delhi is not having a State Commission, being a Union Territory and the Central Information Commission is the second appellate authority. Thus the Central Information Commission also examines the issues and complains with regard to public authorities of Delhi Government.

The status of appeals filed with the first appellate authority (as on 18.5.2006) as given under:

No of appeals received	183
Nof of appeals settled	117
No of appeals allowed	76
No of appeals rejected	41

7. Comparison between Delhi Act and Central Act

The following statement indicates the comparative position of implementation on both the Acts.

	Delhi Right to Information Act in 4 years and 6 months	RTI Act, 2005 in 200 days
No of applications received	9716	3313
No of applications disposed of	9286 (95.57%)	2443(73.74%)
No of applications where information was given	8350(89.9%)	2179+108 (partly given) (93.61%)
No of applications where information was not given	936(10.08%)	57(6.39%)
No appeals filed	1869(20.12%)	183(8.00%)
No of appeals allowed	1300(69.55%)	76(41.53%)s
No of cases where appeals were rejected	446(23.86%)	41(22.40%)

References:

Right to Know by Prakash Kumar & Dr. K B Rai, Vikas Publication, New Delhi, 2006

Right to Information Act, 2005

Delhi Right to Information Act, 2001

Annexure I**Nature of Information sought by Applicants under RTI Act, 2005**

Nature of Information	Total Applications Received
1. ACP/Promotion	3
2. ACP Matters	0
3. Admission and Withdrawal	130
4. Aided/Unaided schools-complaints	95
5. Alternate Plot Allotment	50
6. Assessment Matters	2
7. Billing Problem	9
8. Birth and Death	0
9. Black Marketing	0
10. Community Centre/Park Booking	2
11. Compensation	2
12. Construction Projects	0
13. Driving License	5
14. Education/Schools	82
15. Engineering	131
16. Examination	0
17. Firms and Society Registrations	156
18. Fitness of vehicles	1
19. General Issues concerning public	436
20. Health care	27
21. Horticulture	22
22. Illegal Industries	1
23. Issue of certificates	34
24. Issue of forms	0
25. Issue/Renewal/Amendment of food card	51
26. Land Acquisition	37
27. Land Matter	92
28. Licensing	61
29. Maintenance works	1
30. Medico Lego cases	61
31. Non Availability of commodities	0
32. Non Availability of services	7
33. Non Availability of Tankers	0
34. Non Opening of shops	1
35. Non supply of Ration	0
36. Permits	3

37.	Policy matters	162
38.	Pollution	1
39.	Poor Roads	7
40.	Recruitment Rules	2
41.	Redressal of Personal Grievance	134
42.	Registration of Documents	29
43.	Registration of industry	0
44.	Registrations/Amendments	1
45.	Reservation Policy	2
46.	Retirement Benefits	19
47.	Road Tax	0
48.	Sanitation	27
49.	Seniority Matters	1
50.	Services/Estt. Matters	402
51.	Sewer choking	6
52.	Stamp duty Matters	14
53.	Taxation	66
54.	Tender/Contract Related Issues	62
55.	Transfer Policy	1
56.	Unauthorized Constructions	116
57.	Unhygienic Water	0
58.	Vigilance Matters	77
59.	Water Shortage	9
60.	Others	882