

SUCCESS STORY - RTI ACT, 2005

Ama Adhikar is progressive and pioneer civil society organization of state committed to improvement of quality of life of magnetized section in Orissa. Now Ama Adhikar has observed case studies and best practices on Right to Information in Orissa as a part of the UNDP-DoPT sponsored project on Capacity Building for Access to Information. Ama Adhikar has undertaken the audit work with regular guidance of Gopabandhu Academy of Administration.

In order to inculcate transparency in performance and explore avenues to fix up accountability in the workers of each Public Authority, the Right to Information Act-2005 has proved to be a milestone which extends to the whole of India except the State of Jammu & Kashmir. All the Central Government and State Government organizations and the organizations partly or fully funded by the Government come under the purview of the Act.

The Act brings an end to the supremacy of Official Secrecy Act and has empowered each citizen of Orissa with the right to seek information. It has also compelled the Government organizations and organizations taking fund from Government to provide available information to any citizen and to voluntarily disclose information relating to their Department.

This Act is a landmark in creating avenues for each citizen of India to access to information of the Government, of course with certain exceptions. This Act is expected to pave the way for checking red-tapism, nepotism and corruption and to be instrumental in protection of the right of each citizen.

In Orissa, the Act was implemented in October, 2005. Many Departments in Government have set examples by voluntarily disclosing information relating to the Department within the purview of the Act. Some concerned citizens have used the provisions of the Act for providing entitlements to the marginal sections and protection to the individual rights. Some best practices set by Government Departments, common men and elected representatives have been collected and compiled in this volume for dissemination among the people.

Neglected Evaluation Deprives Career

Twelve-years-old Anupam Jena could have secured a position among the toppers in this year's Middle School Common Examination (MSCE). But because of the gross irregularities in evaluation of his answer papers, which has been established and acknowledged by the education authorities, the talented boy has been deprived of the feat. Anupam, a student of Saraswati Sishu Mandir, Balu Bazaar, Cuttack was confident of

bagging a rank in the MSCE conducted by the Board of Secondary Education but he was declared to have got 444 marks against an expected 500 marks. Anupam's father Anjan applied for details of the evaluation as well as copies of the answer sheets from the District Inspector of Schools (DI) under the Right to Information Act. To his horror and disbelief, Anjan found serious flaws in the evaluation process and his son was not given proper marks even if he had answered correctly. The Mathematics and Science papers were the worst. In Mathematics, Anupam was found to have answered all the questions correctly. He was given 63. The answer sheets corroborate his 100 percent score but the examiner had marked many correct answers with zero. "It is a clear case of lackadaisical attitude of the examiner, who seemed to have given marks whimsically without reading the answers," Anjan said. In Science, if all the marks given against each question were added properly, Anupam would have secured 90 marks instead of 88 marks, which was given to him. Further, there are correct answers where he has been awarded zero. In other papers too, there are evaluation irregularities. Further, the answer papers do not have the mandatory signature of the Chief Examiner nor are the marks for different questions been scribed on the main pages. The examiner of the Mathematics papers has been identified as Rabindranath Rout of Gokan UGME School, Mahanga, Cuttack and Chief Examiner Ratnakar Dash, Headmaster of Kasturaba Vidyapitha, Haldia, Nischintkoili. Meanwhile, the Circle Inspector of Schools has called for a report from District Inspector of Schools in this connection for taking action against the erring officials accordingly. However, it is a matter of concern that the boy would not be accorded revised marks as per the version of District Inspector of Schools Sri N. Behera, "There is no provision under the

Board of Secondary Education, Orissa for that." In such a case, Anupam's mother Pramodini is set to move the High Court for justice for her son. Above all, the courage shown by the parents of Anupam to fight such injustice is the direct outcome of Right to Information Act.

The Deprived Unveiled Scam

The mission of a man from the politically aware and sensitive Patkura area to uncover the Indira Awas Yojana (IAY) housing scam is finally giving rich dividends. Thanks to the Right to Information (RTI) Act and its effective implementation.

He had to spend Rs 11,000 fighting against red tapism, a common practice of bureaucracy. But critical information on the IAY housing scheme never trickled in. Finally, armed with the Right to Information Act, the Human Rights activist from Patkura area is poised to unmask one of the major scams in the recent past.

Mr Sukanta Dwivedy, a native under Patkura Assembly constituency is relieved as he is finally in possession of documentary evidence to prove that IAY grants are largely gobbled up in the region.

The officials were not forthcoming to dole out the list of beneficiaries. He ran from pillar to post. Neither the local Block office nor the Kendrapara District Rural Developmental Agency (DRDA) bothered to extend cooperation. There was ample proof that local politicians in connivance with Government officers embezzled the sum earmarked for the poor and distressed.

As a last resort, the lone crusader sought for the details of IAY implementation in all the 18 GPs of the Block through RTI Act. The information provided by the Government corroborates the fact that Government money by and large did not reach the targeted Below

Poverty Line section, for whom it was actually meant.

Since the 1999 super cyclone days, Rs. 238 crore is claimed to have been spent for providing shelter to 1,08,284 Below Poverty Line families all over the district. Still the Union Rural Development Ministry's housing scheme for shelterless people eludes 44,000 Below Poverty Line families. The numbers of Below Poverty Line families have been put at 1.31 lakh. Technically, the left-out families should have been at less than 20,000 instead of 44,000. Thus, housing grants for 24,000 BPL families have straight away been bungled. With ghost beneficiaries from above the poverty line outnumbering the genuine Below Poverty Line families, the magnitude of Indira Awas Yojna fraud is mind boggling.

In the case of one particular Panchayat of Patkura, the Below Poverty Line families entitled for housing grants stood at 747. But the government agency has provided Indira Awas Yojna grants to 1,155 families. And to cap it all 189 genuine families are still deprived of government doles.

Grants were released to Above Poverty Line families against existing genuine Below Poverty Line numbers. A number of bogus beneficiaries drew grants against Below Poverty Line number while the genuine beneficiary was left high and dry. Besides, there were instances of undeserving families rewarded with Indira Awas Yojna doles a number of times.

There are enough documents accrued through RTI Act to prove that there was broad day light plunder of state exchequer here. He is preparing documents to move Orissa High Court so that justice may be delivered to "left-out" genuine shelterless people.

Students gain from RTI

Students appearing for the High School Certificate (HSC) examination 2007 can obtain photocopies of their evaluated answer sheets within eight months after the publication of results. This decision was taken by the Board of Secondary Education (BSE) Orissa, after receiving instructions to this effect from the State Information Commission (SIC).

Every year, hundreds of students, teachers and parents have been complaining that evaluation of answer sheets is not being done properly and the Board office is flooded with applications for re-addition of marks. Many students commit suicide complaining that they deserved much more marks than what has been awarded to them. It has been observed in several cases that after re-addition, the allegations stand vindicated.

Keeping this and the provisions under RTI Act in mind, the BSE has decided to provide photocopies of answer sheets to those applying within eight months of publication of the results.

So RTI Act will be useful for the students adversely affected by the faulty evaluation process.

Student got the answer sheet copy

Azad Ali passed 10th class last year. He had secured 52% mark in first language Oriya, which was below his expectation. He had scored 86% in aggregate. He applied for rechecking which was not fruitful. The Board of Secondary Education authority informed him that there could be no chances of increase in his marks. His father took shelter in the High Court of Orissa. The Hon'ble High Court directed the Board of Secondary Education for rechecking of the Paper. Again the result was negative. His father became helpless. With the advice of some of his friends he asked for a copy of the answer sheet through RTI.

The Board did not provide the information. He appealed to the Information Commissioner. The Information Commissioner directed the Board to provide the copy of the answer sheet. He got the copy of the answer sheet. It was found that he should have got minimum 80 marks in Oriya. With the copy of the answer sheet again he has appealed before the Hon'ble High Court for correction of marks. RTI could ultimately show the way to the student.

An Employee got his Right

Bhikhyakari Tripathy retired as Controller of Utkal University in 2003. He got promotion two years before his retirement but was not getting salary in the new scale. He could not know the cause. After implementation of RTI Act, he asked the University to provide information on the following three points.

1. Copy of Report of the D.P.C.
2. Copy of Report of decision of Vice-Chancellor on the report.
3. Copy of the direction of the Chancellor.

But he was not given the full information. Only one information was given. He moved the first appellate authority and the Information Commissioner. The Information Commissioner ordered the University to provide all the three information. Mr. Tripathy will now move the Court by using the said information. So RTI shows the way for access to Justice.

RTI Exposed Minister's Qualification

Although Transport and Commerce Minister Jayanarayan Mishra has graduated himself in politics so well, he has been caught off guard on another front. Information sought under the RTI says he has not passed the Degree examination contradicting his claim made in his affidavit during the 2004 Assembly elections.

Shri Mishra, the Sambalpur MLA of Orissa puts up a brave face although the facts are against him. The allegation had been doing the rounds for quite sometime by the Sambalpur Bikas Manch. According to information obtained by Manch convenor Debasis Purohit, Mishra had claimed to be a Graduate of Burla NAC College under Sambalpur University in 1984. In reality, the Manch said, information supplied by Burla NAC College has mentioned about the Minister doing his Intermediate Arts (IA) during the period 1981-83. Although he pursued his Bachelor's Degree (BA) from 1984 to 1986 with History and Political Science, the college authorities have feigned ignorance about Mishra completing his Degree. The authorities replied diplomatically that the College is not in a position to provide any information about passing of BA by Mr Mishra as records relating to the same is no more available in the College. However, it has failed to provide even the University registration number which is mandatory.

In his affidavit submitted with the nomination papers, Mishra had informed that he has passed his degree from Burla NAC College in 1984, which cannot be true under any circumstances as he had completed his IA in 1983 and it would require another two years after that to obtain the degree.

RTI relieved the businessman

An entrepreneur from Bhubaneswar had taken a loan of Rs.10 lakh from Orissa State Financial Corporation, Orissa 20 years ago for assembling electric transformers. He was repaying the loan from time to time. Last year, he informed the authority that he is ready to repay the whole loan amount and asked for the statement and exact amount he shall have to pay. He did not get any answer from the authority. He went to the office several times. One of his friends suggested him to

apply for all the documents from the date of disbursement of loan. Accepting his friend's advice he asked for copies of all the documents relating to his loan from Orissa State Financial Corporation. Within 15 days he got a letter from the Orissa State Financial Corporation that he has already paid more amount than the whole loan amount along with the interest. He will get back few lakhs from the Orissa State Financial Corporation. He had been requesting the authority for 1 year to consider his case and to make arrangement for settlement of the case but he was not able to get any result. The application for information about his loan file made the concerned authority more responsible. So he used the whole machinery to come with all the calculations ready within 15 days. The man who was worried about the repayment of loan got the award in terms of his excess amount which is to be repaid to him by the Orissa State Financial Corporation. This is an excellent case of RTI providing justice to a person.

Businessman got justice

A businessman having a printing press had participated in a tender of Rs. 2 crores for printing of booklets of a public sector undertaking in Bhubaneswar. He had quoted the lowest price. But the work was assigned to another firm. The business man applied for the information regarding the name of the bidders and price quoted by them. Suddenly after 2 days the authority concerned cancelled the tender and fixed a new date of tender and changed the terms and conditions of the bidding. In the next bid the concerned businessman again participated and quoted the same price as before. He got the whole assignment with that price. It is only due to RTI that he was able to get the assignment. Now he goes around telling people "RTI is a weapon for common man" to address corruption at different levels.

Discrimination Exposed

After the Super Cyclone in Orissa in 1999, Government of India declared special Indira Awas, under Indira Awas Yojna for the Super Cyclone-affected households. The modality was that the family, whose house had fully collapsed, was to be eligible to get support from Government for construction of house under Indira Awas Yojana. The indication of full collapse was the compensation of Rs.2000. Two persons namely Kailash Mahalia of village Mangarajpur Gram Panchayat Siha and Upendra Jena, Village -Bayree of Badchana Block, Jajpur District did not get support through Indira Awas Yojna till the end of 2005 though they got Rs. 2000 compensation after cyclone for damage of their houses. Several times they approached the BDO but that did not yield any result. They informed Niranjana Sahoo, Ex-Chairman of Badchana Panchayat Samiti about this. He took the help of the RTI Act and asked information through it about the whole list of Indira Awas Yojana beneficiaries in the above mentioned two Panchayats. From the documents provided through RTI Act, he came to know that the names of both the persons were not there in the list. Again he asked for the details of case records of both the persons from the documents. From the information it was found that with the fake documents and forged signatures someone else had withdrawn the whole money allocated in their name for Indira Awas Yojna. With the documents collected through the RTI, both of them have filed Criminal Case against the B.D.O., Badchana of that time and Sarpanchs of the respective Gramapanchayat at that time. The truth came out only due to RTI Act. 2005. They are hopeful to get justice.

Injustice redressed

In the year 2006-07, recruitment for the Anganwadi workers was on the way in a Block

in Jajpur district of Orissa. For a particular centre, there were five applicants. One of the applicant's houses used to be affected by a big Nala in the rainy season from the Anganwadi centre. But she had secured highest mark and was a deserving candidate. But the villagers had complained that she should not be given the post on the ground that she cannot come to the centre in time during rainy season. The local leaders were pressurizing the Child Development Programme Officer (CDPO) not to appoint the person concerned on the same ground. The interview was over. The authority once told the candidate that she was the most deserving one and due to complaints from villagers on the ground of geographical barrier and pressure from the local politicians, she might not get the job. She had lost hope.

One day a guest of her had come to her house and came to know the whole matter. He advised her to ask for photocopies of the documents of all the applicants and the interview proceedings through RTI. She was provided all the documents. According to the documents, she was the most suitable candidate for the job.

After providing the information, the concerned authority did not succumb to the pressure of the villagers for fear that if she was not given the appointment, she might take the help of the Court. Finally the authority, according to the norm, issued the appointment letter to the right person.

Farmer Moved for Justice

In 1993 a farmer named Biswanath Mohapatra of a village nearby Bhubaneswar had applied for power supply to his farm house for lift irrigation point. He had deposited Rs. 1365/- with Orissa State Electricity Board (OSEB) towards the initial deposit. Till 2008, he could not get the power supply. In 2008, he requested the Executive Engineer, Central Electricity Supply &

Utility, (CESU) for a photocopy of the documents in his file. He got a photo copy of his money receipt only. After receiving this document, he moved the High Court through writ petition. At last he got the justice from the High Court.

Truth Exposed

There were large scale irregularities in Indira Awas Yojana (IAY) in Badchana Block of Jajpur district, Orissa in the post-cyclone period. The Congress Party with the leadership of the concerned MLA S.J. Sitakanta Mohapatra made political agitation like Gherao of Tahasil and Block. But there was not result. The modality fixed by the Government was that any BPL Family whose house had fully collapsed in cyclone (indicator was compensation of Rs. 2000/ to the household by the Government) was eligible to get support from Indira Awas Yojana. But many Below Poverty Line families and fully collapsed house owners were deprived of it. Looking at the gravity of the matter, people took the help of Orissa High Court. The honourable Court directed the Collector for verification of irregularities. Again with appeal from the people for Revenue Divisional Commissioner enquiry the honourable High Court directed for RDC enquiry.

With RDC enquiry, irregularities in 1800 households were found. The work of the 1800 households was cancelled. But there was no scope for getting the whole data. With the implementation of RTI Act in October 2005, in November 2005 he asked the information on the following aspects –

1. Number of elected representations within 1800 person.
2. Field officers involved.

The data revealed that out of 37 Sarpanchs of 37 Gram Panchayats, 20 Sarpanchs had taken the undue benefit of the scheme. The MLA raised the issue in Assembly.

Impact –

- 12 Sarpanches suspended.
- BDO, Badchana Suspended.
- Extra 1000 Indira Awas Yojana houses allocated to Badchana Block.

So 1000 poor households got Indira Awas Yojana houses due to RTI. In the view of the local MLA, only due to RTI he succeeded in providing justice to 1000 poor households of Badchana.

DEMAND SUSTAINED

Birupa Genguti Irrigation Project was undertaken in Mahanga and Badachana Blocks by the State Governments in collaboration with NABARD. The construction work of the project started in 1988-89 and was going on till 2004. The work was not progressing properly, according to the present MLA of Badchana Constituency of Orissa. So to know the status of the Project he raised the issue in Assembly and asked

questions regarding the status of the project several times. He never got a specific answer about the status of the project and the unspent amount left. He sought data in Irrigation Department in 2005 through RTI Act. The Department provided the required information in time. With the information provided by the Department he made physical verification on his own. He found that the work was not done properly and the objective of the work was not at all fulfilled. He raised the issue in Assembly and met the higher authority of NABARD several times. A team from NABARD visited the project area. Ultimately, NABARD decided to allocate another 9 crore for the project work for flood protection, drainage system and sluice gate. The work is going on. In the coming season the flood cannot harm the farmers of the area. The MLA reiterates happily that only due to RTI he could do some work for the farmers of his Constituency.

Courtesy : Ama Adhikar, Orissa, Bhubaneswar

Information & Public Relations Department Plays Active Role for Effective Implementation of RTI in South Asia : Says World Bank

The World Bank has highly commended the efforts of Information & Public Relations Department in putting in place RTI Central Monitoring Mechanism, a robust IT intervention for effecting transparency and accountability in the system of Governance. As a part of their study on Implementing Right to Information in South Asia, the World Bank has acclaimed the active role played by the Department in strengthening the process of implementation of RTI in the State. After a thorough evaluation of the system & implementation process, the World Bank has quoted RTI Central Monitoring Mechanism to be truly impressive, allowing I & PR Dept. to track requests across government through all phases from the initial application for information to the response of individual PIOs as well as the status of appeals. The software allows departments to upload information relating to 17 fields covered by the suo moto disclosure provisions of Section 4 (1) (b) of the RTI Act. World Bank has recommended to create a high-level steering committee chaired by the Chief Secretary to oversee the implementation of RTI Central Monitoring Mechanism across government, providing training to PIOs and roll-out of the RTI Central Monitoring Mechanism.

It is pertinent to mention here that the Information & Public Relations as the Nodal Department has evolved all strategies to strengthen the process of implementation of RTI Act in Orissa through the State RTI Implementation Cell formed inside the Department. Since all exercises emanate and conceptualize by this implementation Cell, the World Bank has also recommended RTI Cell to be strengthened in the I&PR Department through additional staffing, budgetary resources, promote the use of technology to encourage greater awareness and use of RTI through cellular telephony and electronic media. Further, as a part of Capacity Building, the World Bank has recommended Orissa Information Service(OIS) Officers to act as Statutory nodal Officer and RTI Advisors to meet the mandatory requirements as envisaged in this historic legislation. Appointment of additional commissioners to the State Information Commission is also one of the important observations of World Bank.