

Right to Information

NEWS AND VIEWS FROM WEST BENGAL

September 2009, 1-1

a drcsc initiative

Backdrop

Compared to other states and the Central Government ruled provinces and Union Territories, West Bengal has not progressed so much on RTI lines. There is a big list of which are not done. Even the media is also not that active to disseminate information regarding RTI. Hence, news on RTI from West Bengal does seldom permeate through the national coverage.

People from different strata showed vigorous interest in making applications. But people are mostly unaware about the provisions of the RTI Act, 2005. Especially the marginalised and disadvantaged groups of people are far away from adopting RTI for their own ends. The propagation of Right to Information Act, 2005 has so far been single-handedly tackled by the Civil Rights and Civil Society Organisations. The activists made significant influences through their applications and engagements though on a minimal scale. In West Bengal most of the organisations working with RTI are concentrated in cities. It is appreciable but we feel that RTI would be a very effective tool for rural people for their day to day fight against poverty as poverty is basically a rural phenomenon

The situation warrants a rapid action program from the state RTI nodal agency Administrative Training Institute, Government of West Bengal.

DRCSC is basically working in rural West Bengal for achieving food and livelihood security for the poor and downtrodden through RTI since its promulgation along with our other activities. Poised in a situation like that, DRCSC has decided to come up with a bi-monthly e-newsletter which will strive to cater RTI and governance related various news and views from West Bengal for national consumption. Feedback on the publication for enrichment is solicited from everyone.

Minority Certificate at Single Stroke of RTI

Government has introduced many projects for the benefit of minority group, but to avail those benefits one should have a minority certificate. Ms. Sulekha Hemrom of Kiyarchand village of Medinipore did spend money despite her economic constraint to get her minority certificate. But even after two years of hard labour she did not get it. This is the incident of 2007. In the beginning of 2009, she came to know about the RTI Act from an awareness campaign organized by an organization. Consequently, she made an application under RTI to the BDO where she wanted to know the present status of her application for the certificate. In reply, the BDO informed her that she is fully eligible to get the minority certificate. Finally, within two weeks she got her certificate.

CSO's championing the cause of RTI

A section of the lawyer community are still not well aware about the RTI Act, 2005. As a result they are unable to guide common people. Such an incident occurred with Mr. Subhas Nandy of Chakia Bhita Village of Ambari Falakata, Rajgunj block, Jalpaiguri district. Mr. Nandi met Mr. Debasis Karmakar, an Advocate, to seek his advice to prepare an application under RTI Act. Mr. Nandy has a requisition of a few information from concerned Electricity Department of Jalpaiguri, but even after 9 months he did not get any reply.

One day during a hot exchange with Mr. Indu Bahadur Kumari, the PIO of Information and Culture Department, Mr. Nandy came into contact with Mr. Manik Sinha, a RTI activist. On his advice Mr. Nandy again submitted an application in the name of her daughter Munni Nandy. Initially it was refused but after a long discussion with Mr. Sinha, the PIO, accepted the application. Within 7 days reply came forth that all the information will be given by Bella Koba Station Manager. But as no reply came within 30 days, a first appeal was made. With the initiative of Appellate Authority Mr. Nandy got all the particulars. Besides, he also got back the amount from the advocate, with the help of Manik Singh.

KMC Defies WBIC

State Information Commission is the highest authority in regard to the adjudication under the RTI Act. But the Public Authorities are not responding to the orders of State Information Commission. In consequence, applicants are facing problem in getting their proper requirements within stipulated time period. Such an incident happened with Dr. Falguni Gupta. Mrs Gupta used the Act to ask Kolkata Municipal Corporation for copy of the extension plan of a particular phase and type of Mersoline Housing Society. But in reply, she did not receive a single word. She made the first appeal. In reply K.M.C. charged Rs. 10,260 for the copies. But according to sec 7(b) of this act if a Public Authority fails to give information within stipulated time period then the information have to be given free of cost. Based on the appeal of Dr. Gupta, State Information Commission sent two Show Cause notices to the G.D. of the Bldg Dept. Not getting any reply, the Commission decided to call both the parties and listen to them.

Till now the case remain unsolved. But it clearly proves that Kolkata Municipal Corporation pay no heed to the orders of the State Information Commission.

West Bengal RTI Fee Structure Amended

After the implementation of RTI Act in West Bengal, there was growing interest among people but they faced enormous problem regarding the fee payment structure. In other states, there were several methods used for fee payment of the RTI application, but according to the West Bengal RTI Rules

2006, Court Fee stamp of Rupees Ten can only be used. But accessing court fee stamp became very hazardous and are only available at the court or at the Land and Land Revenue Department of the block and to get it they have to pay higher amount than its actual cost, Due to this growing discontent, demands were made for change in the fee payment system from different corners of West Bengal. Several NGOs, news media, had discussions regarding these issues with the State Government. Lastly in July 2008, the nodal agency made recommendation regarding new ways of depositing fees, which were finally granted by the government. This information was published in The Calcutta Gadgets on 11th November 2008 with due approval of our respected Governor, (Notification No. 724-PAR(AR)/0/3M-29/2005Pt.VI-17th October,2008). Now for making RTI application we can use Demand Draft, Banker's Cheque or Indian Postal Order and Non-judicial Stamp Paper as fee. In the head of account we have to write the name of the link bank like '.... (name of the link bank) a/c Government of West Bengal RTI Act'. To receive the information, the amount is to be paid in the same head of account. According to the recent recommendation, applications can also be sent via e-mail. But same procedure has to be followed regarding the fee payment. In different districts of West Bengal we find State Bank of India as the Link Bank and Reserve Bank of India is the link bank for all the Government Departments housed in the Writer's Building.

RTI Application reveals Status of Minorities in WB

In West Bengal, out of the total

population, 25 percent are Muslim, but the percentage of Muslim getting employment in government offices is poor. Present employment ratio of Muslims in two govt. depts viz. Kolkata Police and Kolkata Municipal Corporation- are known from RTI application. In response to the application made by a Calcuttan, Mr. Sabir Ahmed, Kolkata Police informed that there are 2267 Muslim employees working in kolkata Police out of the total 24,840 employees. Kolkata Municipal Corporation replied that out of 34,731 employees only 1,555 are Muslims. Earlier in November 2006, the Sacchar Committee Report also mentioned the same thing. From another report it was also known that the percentage of Muslims employed in government offices are less than the number of Muslims locked up in Correctional Homes. Minority Development and Madrasa Education Minister Mr. Abdus Sattar stated comparing the conditions of Muslims in the year 1947, 1977 and 2008 and opined that it is not improving but deteriorating day by day. But even after publications of all these reports it is seen that West-Bengal Govt. has taken no such step to improve the status of the Muslims in our state. The RTI is a powerful tool that shows lack of concern of West Bengal Government.

Positive Mindset of the Duty Bearers

Mr. Jayanta Das, Secretary, Dalkhola I Gram Panchayat and also serving as Secretary of Bazargaon I & Bazargaon II G.P.simultaneously of Karandighi Block, Uttar Dinajpur has set a glaring example of positivity in supplying information to people. He has made a systemic preservation of records of all programs of the G P in a dynamic format. His notion of providing information to the general public dates back to 2004 before RTI Act was promulgated. He feels that providing information acquires prestige and respect from the people.

Even by using his system people can have the information about due tax payment to the Panchayat. Mr. Das informed that one very old circular of the Islampur Sub-Division regarding 0-9 Birth Certificates were ultimately provided by him because it was kept in his data storage system. Mr. Das also feels that wider adoption



of the provisions of Section 4(1)(b) will render a facilitating role for inclusive and decentralized democracy in India. We feel that widespread replication of the practices of Mr. Das is the imminent task for the propagation and promotion of transparency and accountability of the Administration and Mr. Das be accorded with proper felicitation.

WBIC Warning for KMC Officials

In Order No. 1853(3) (Order) WBIC/RTI/254/09 dated: 01.09.2009 the West Bengal Information Commission pronounces warning to KMC officials. The order states, "The Commission takes the opportunity to bring it to the notice of the Municipal Commissioner that due to intransigence of the SPIO's of Kolkata Municipal Corporation, the Commission is flooded with complaints and appeals from the petitioners. The Commission would expect that this order of issuance of warning shall act as an eye opener for all other SPIO's and the Commission would not hesitate to impose penal measures if any such occurrence comes to the notice of the Commission in future. The Municipal Commissioner shall bring this observation to the notice of the SPIO."



Editor Raj Krishna Mukherjee
Design Abhijit Das

Private circulation only
Distributed in public interest