ANALYSING VICTIMISATION OF RTI APPLICANTS AND STRATEGIES FOR THEIR PROTECTION

Research report submitted to DoPT, Ministry of Personnel, Public Grievances and Pensions for the fulfilment of a research fellowship

MANU MOUDGIL

2012
Analysing victimisation of RTI applicants and strategies for their protection

ACKNOWLEDGMENT

It is a pleasure to thank those who made this research possible; first of all I would like to express my gratitude to Ms. Anuradha Chagti, Deputy Secretary (RTI), DoPT and Ms. Sarita Nair, Under Secretary (IR) for giving me the opportunity to conduct this research. I am also indebted to faculty members of Indian Institute of Public Administration, including Prof Sujata Singh, Prof Pranab Banerji, Prof Dolly Arora and Dr Roma Mitra Debnath not only for their regular guidance but also for providing the library facilities for this research.

In addition, I would like to thank the civil society organisations, especially Mazdoor Kisan Shakti Sangathan, Mahiti Adhikar Gujarat Pahel. Sambhaav and Urmul Trust, for assistance. Finally, I express my gratitude to several villagers of Rajasthan and Gujarat who shared their food and shelter with me.
CONTENTS

List of figures, tables and graphs.................................................................5
List of abbreviations..................................................................................6
List of annexures.......................................................................................10
Abstract.....................................................................................................12
Chapter 1: Introduction.............................................................................14
  1.1 Corruption and the RTI Act.............................................................14
  1.2 Definition and Rationale of the study.......................................16
  1.3 Objectives of the study...............................................................17
Chapter 2: Scope of study and methodology...........................................19
  2.1 Scope of the study.........................................................................19
  2.2 Research Methodology...............................................................21
  2.3 Data collection methods..............................................................22
  2.4 Analysis of data and results.........................................................23
  2.5 Selection of case studies..............................................................24
Chapter 3: The transparency movement..................................................25
  3.1 Right to information in India.........................................................25
  3.2 The Background...........................................................................28
  3.3 The grassroots movement.............................................................29
Chapter 4 Literature review........................................................................32
  4.1 Threat to RTI users.......................................................................32
  4.2 RTI users as whistle blowers.......................................................33
Analysing victimisation of RTI applicants and strategies for their protection

4.3 RTI users as human rights defenders (HRDs) .......................................................... 37
4.4 The domestic protection mechanism ................................................................. 39
4.5 Moves by information commissions .................................................................. 41
4.6 Courts and governments ...................................................................................... 44
4.7 Community action .............................................................................................. 46

Chapter 5

Findings .................................................................................................................. 48
5.1 Rajasthan ........................................................................................................... 48
   5.1.1 Mangla Ram, Bannor village Barmer district ........................................... 51
   5.1.2 Babu Ram Chauhan, Ramgarh village, Jaisalmer district .................. 57
   5.1.3 Goverdhan Singh, Bikaner city, Rajasthan ............................................ 61

5.2 Gujarat ............................................................................................................... 67
   5.2.1 Amit Jethwa, Khamba village, Amreli district ....................................... 71
   5.2.2 Vishram Laxman Dodiya, Surat ................................................................. 75
   5.2.3 Satishbhai Rana, Alina village, Kheda district ........................................ 77

5.3 MAGP's RTI helpline ......................................................................................... 79
   5.3.1 Bharatbhai Gughal and Bhanjibhai Jogal, Dhank village ................... 80
   5.3.2 Bhadresh Vamja, Saldi village, Amreli district ........................................ 85
   5.3.3 Michael Martin and Bhanu Parmar, Anand district, Gujarat ............... 89
   5.3.4 Lessons drawn from MAGP's helpline ................................................. 92
   5.3.5 Limitations of the helpline ................................................................. 93

Chapter 6

Discussion and Conclusion .................................................................................... 95
6.1 Objectives of Research and Methodology ......................................................... 95
6.2 Limitations of Research .................................................................................... 96
6.3 Scope of further research .................................................................................. 97
6.4 Discussion ........................................................................................................... 97
6.5 Some important findings .................................................................................... 98
6.6 Recommendations ............................................................................................. 99
   6.6.1 Lessons for authorities .......................................................................... 99
   6.6.2 Lessons for RTI users ............................................................................ 100

Bibliography ........................................................................................................... 102
Annexure ................................................................................................................. 104
LIST OF FIGURES, TABLES & GRAPHS

Figure 1  Mangla Ram at his home in Bannor village, Barmer........................56
Figure 2  Baburam Chauhan showing RTI documents.................................................60
Figure 3  Satishbhai Rana was mercilessly beaten up for asking
information about cutting of trees.................................................................78
Figure 4  Bharatbhai and Bhanjibhai at Dhank village in Gujarat.........................84
Figure 5  Bhadresh Vamja ensured regular ration in his village.........................88
Figure 6  Michael Martin at his office in Nadiad town of Gujarat.....................91
Graph 1  Trend in number of RTI applications received ........................................26
Graph 2  Trend in RTI applications received in Rajasthan .................................49
Table 1  Cases registered against Goverdhan Singh............................................65
LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACB</td>
<td>Anti-Corruption Bureau</td>
</tr>
<tr>
<td>ADGP</td>
<td>Additional Director General of Police</td>
</tr>
<tr>
<td>APL</td>
<td>Above Poverty Line</td>
</tr>
<tr>
<td>BPL</td>
<td>Below Poverty Line</td>
</tr>
<tr>
<td>CBI</td>
<td>Central Bureau of Investigation</td>
</tr>
<tr>
<td>CIC</td>
<td>Central Information Commission</td>
</tr>
<tr>
<td>CM</td>
<td>Chief Minister</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organisation</td>
</tr>
<tr>
<td>CrPC</td>
<td>Criminal Procedure Code</td>
</tr>
<tr>
<td>CDHO</td>
<td>Chief District Health Officer</td>
</tr>
<tr>
<td>DDO</td>
<td>District Development Officer</td>
</tr>
<tr>
<td>DIG</td>
<td>Deputy Inspector General of Police</td>
</tr>
<tr>
<td>DoPT</td>
<td>Department of Personnel and Training</td>
</tr>
<tr>
<td>DGP</td>
<td>Director General of Police</td>
</tr>
<tr>
<td>DSP</td>
<td>Deputy Superintendent of Police</td>
</tr>
<tr>
<td>FIR</td>
<td>First Information Report</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom Of Information</td>
</tr>
<tr>
<td>GIC</td>
<td>Gujarat Information Commissioners</td>
</tr>
<tr>
<td>HRD</td>
<td>Human Rights Defender</td>
</tr>
<tr>
<td>IC</td>
<td>Information Commissioners</td>
</tr>
<tr>
<td>IGNC</td>
<td>Indira Gandhi Nahar Pariyojana</td>
</tr>
<tr>
<td>IGP</td>
<td>Inspector General of Police</td>
</tr>
<tr>
<td>IIPA</td>
<td>Indian Institute of Public Administration</td>
</tr>
<tr>
<td>IPC</td>
<td>Indian Penal Code</td>
</tr>
<tr>
<td>IPO</td>
<td>Indian Postal Order</td>
</tr>
<tr>
<td>IPS</td>
<td>Indian Police Service</td>
</tr>
<tr>
<td>LPG</td>
<td>Liquefied Petroleum Gas</td>
</tr>
<tr>
<td>MAGP</td>
<td>Mahiti Adhikar Gujarat Pahel</td>
</tr>
<tr>
<td>MLA</td>
<td>Member of Legislative Assembly</td>
</tr>
<tr>
<td>MKSS</td>
<td>Mazdoor Kisan Shakti Sangathan</td>
</tr>
<tr>
<td>MNREGA</td>
<td>Mahatama Gandhi National Rural Employment Guarantee Act</td>
</tr>
<tr>
<td>MO</td>
<td>Medical Officer</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>NAC</td>
<td>National Advisory Council</td>
</tr>
<tr>
<td>NAPM</td>
<td>National Alliance of People’s Movement</td>
</tr>
</tbody>
</table>
Analysing victimisation of RTI applicants and strategies for their protection

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCMP</td>
<td>National Common Minimum Programme</td>
</tr>
<tr>
<td>NCPRI</td>
<td>National Campaign for People’s Right to Information</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Government Organisation</td>
</tr>
<tr>
<td>NHRC</td>
<td>National Human Rights Commission</td>
</tr>
<tr>
<td>PDS</td>
<td>Public Distribution System</td>
</tr>
<tr>
<td>PHC</td>
<td>Primary Health Centre</td>
</tr>
<tr>
<td>PHR</td>
<td>Protection of Human Rights</td>
</tr>
<tr>
<td>PIL</td>
<td>Public Interest Litigation</td>
</tr>
<tr>
<td>PIO</td>
<td>Public Information Officer</td>
</tr>
<tr>
<td>PSI</td>
<td>Police Station Incharge</td>
</tr>
<tr>
<td>PUCL</td>
<td>People's Union for Civil Liberties</td>
</tr>
<tr>
<td>RaaG</td>
<td>Right Assessment and Analysis Group</td>
</tr>
<tr>
<td>RIC</td>
<td>Rajasthan Information Commission</td>
</tr>
<tr>
<td>RTI</td>
<td>Right To Information</td>
</tr>
<tr>
<td>SC</td>
<td>Scheduled Caste</td>
</tr>
<tr>
<td>SDM</td>
<td>Sub-Divisional Magistrate</td>
</tr>
<tr>
<td>SHRC</td>
<td>State Human Rights Commission</td>
</tr>
<tr>
<td>SHO</td>
<td>Station House Officer</td>
</tr>
</tbody>
</table>
Analysing victimisation of RTI applicants and strategies for their protection

SIC  State Information Commission  
SP   Superintendent of Police  
ST   Scheduled Tribes  
TDO  Taluka Development Officer  
UDHR Universal Declaration of Human Rights  
UK   United Kingdom  
UN   United Nations  
US   United States  
UT   Union Territory  
VAT  Value Added Tax  
WHO World Health Organization
### List of Annexures

1.1 Minutes of CIC's meeting on suo motu disclosure...................................................I

1.2 Circular issued by Mumbai Police Commissioner.....................................................II

1.3 Letter by RTI activists to Maharashtra CM............................................................VI

2.1 Request for police protection by Mangla Ram..........................................................X

2.2 FIR registered on complaint of Mangla Ram.........................................................XI

2.3 FIR registered by Barmer Police............................................................................XII

2.4 SDM's report into attack on Mangla Ram.................................................................XIV

2.5 Order on special investigations into the case of Mangla Ram...............................XVI

2.6 The inquiry report in corruption allegations at Bamnor village.........................XVIII

2.7 Letter for action on inquiry report.........................................................................XXXIII

2.8 CB-CID report into allegations against Baburam Chauhan.........................XXXVIII
Analysing victimisation of RTI applicants and strategies for their protection

2.9 Application for 'on-call security' by Baburam Chauhan........................................XL

3.1 Court order in Goverdhan Singh's case.................................................................XLI

3.2 Goverdhan Singh's complaint to Rajasthan Governor.........................................XLVIII

3.3 ACB's report into allegations against
Rajasthan information commissioners.................................................................LV

3.4 FIR filed by Satishbhai Rana.................................................................................LVII

3.5 Communication between CIC and district collector in
Bharatbhai-Bhanjibhai's case.................................................................................LVIII

3.6 Letter to DSP in Bharatbhai-Bhanjibhai's case.......................................................LX

3.7 Letter to Secretary, Food, Civil Supplies &
Consumer Affairs Department ..............................................................................LXI

3.8 Circular of the Food, Civil Supplies and Consumer
Affairs Department ..............................................................................................LXIII

3.9 Gujarat High Court order on pendency at SIC......................................................LXVI

4.1 Order by first appellate authority in Michael Martin's case.................................LXXXIV
Analysing victimisation of RTI applicants and strategies for their protection

Abstract

The RTI Act has ensured a substantial positive change in government functioning, but it has not been a cakewalk for the applicants who have regularly been victimised for exposing wrongdoings in public offices. Around 20 cases of murder, 45 cases of assault and 73 cases of harassment of RTI users have been reported from all across India from as early as 2007. Most cases of victimisation involve information related to issues of larger public interest and social welfare schemes. Registration of false cases, accusations of blackmailing and other means to harass RTI users are routinely exercised by vested interests. Those living in rural areas are easier targets due to physical proximity with the accused and remoteness from police, media and civil society groups.

A well-established mechanism consisting of set procedures to deal with such cases can go a long way in guaranteeing safety of applicants. Regular proactive disclosure of information by public authorities under Section 4(1) of the RTI Act, quick police action on complaints of RTI users and monitoring of the investigations by a senior police official can help curb the menace. Investigations should also be made into the role of the PIO and and first appellate authority can help curb the menace. When the information sought relates to police, the probe into allegations of victimisation should be done by an external/independent agency. Monitoring by information commissions, human rights commissions and the department to which the information pertains can also bring great benefits. A helpline by information commissions or state governments for protection of RTI users can go a long way in dealing with the issue.
Analysing victimisation of RTI applicants and strategies for their protection

On the part of applicants, community support has been found to be a great defence against victimisation. Reporting even minor threats, keeping proper documentation of complaints and representations to authorities and networking with civil society organisations and mediapersons can also help avoid mistreatment. Depending on the information sought, other laws can also be invoked to ensure protection. For instance, if the information sought relates to issues of a minor, the Juvenile Justice Board can be approached for action.
Chapter 1  Introduction

In the introductory chapter of this research we will get acquainted with the role of RTI Act in exposing corruption and ensuring transparency in governance. The level of corruption in India, recent cases involving misappropriation of public funds and the role of information commissions as ultimate appellate authorities will be discussed. The chapter also provides current context to the topic of study, outlines the need for this research and the objectives that will be achieved in the process.

1.1 Corruption and the RTI Act

Recent controversies including the 2G spectrum scam, financial irregularities in organisation of Commonwealth Games and Adarsh Housing Society scandal besides others have brought dark truth of corruption in governance to the fore. The prevalence of corruption in India can be gauged from the Centre for Media Services analysis that during 2005-10, corruption coverage in prime-time bulletins inceased almost by four times in comparison to news stories.¹

India's rank fell from 87th to 95th position in Transparency International's 2011 ranking of nations in corruption perceptions.² Besides the involvement of bureaucrats and politicians, private sector has also been found deeply involved in abetting corruption. “The private sector is no more a victim of corruption in India. Instead, it is instrumental

---

¹ A Comparative Scenario: India Corruption Study,2002-09, CMS India
² India Transparency International corruption index blow, BBC News India, December 1, 2011
Analysing victimisation of RTI applicants and strategies for their protection

(in effecting it) and hand-in-glove with public officers. Collusive corruption, where officials from public sector undertakings join hands with the private sector, is greatly present in the Indian business environment, particularly in the power, mining and oil sectors,” the Transparency International's report says. ³

The use of RTI Act by media and civil society organisations in exposing several of the latest corruption episodes⁴ underscores the fact that it is a great tool to ensure transparency and accountability in governance.

The right to information at all levels is a necessary condition to bring about the accountability necessary for reducing inefficiency and corruption. Only when transparency and accountability through fixing of responsibility are enforced at all levels can the march towards genuine development through full employment begin. (Bhaduri 2008)⁵

The role of Central Information Commission (CIC) and State Information Commissions (SICs) also assumes significance in this context as the bodies which formulate policies, set standards and are also the ultimate appellate authority at centre and state levels within the ambit of information system formulated through the RTI Act.

---

5 Bhaduri, 2008: Growth and employment in the era of globalization: Some lessons from the Indian experience.
1.2 Definition and Rationale of the study

As a new legislation on accountability and transparency, the RTI Act has introduced an opportunity for common citizen to question public authorities and get access to official documents which were hitherto classified under the draconian Official Secrets Act. This drop of posturing by the government has given a new lease of life to the democratic character of India where people now have power to scrutinise what their elected representatives and administrators are up to.

However, while the Act has ensured a substantial positive change in government functioning, it has not been a cakewalk for the applicants who have regularly been victimised for exposing wrongdoings in public offices. The RTI Act does not specifically provide for protection of users and though several state governments, information commissions and the courts have taken note of the seriousness of the situation, no concrete measures have been formulated to prevent the victimisation.

Around 20 cases of murder, 45 cases of assault and 73 cases of harassment of RTI users have been reported from all across India from as early as 2007. Such incidents not only defeat the purpose of enquiry as mandated under the RTI Act but also instill fear in minds of people who may be potential information seekers. More importantly, the present security set up has been found wanting when it comes to protection of RTI applicants. Satish Shetty, who had blown the whistle on a series of land scams in

---

Maharashtra, was hacked to death in Pune on January 13, 2010. According to information, Shetty had sought police protection after having received threats to his life. In the above context, it is imperative that besides making interventions at the policy level, strategies devised by the community to deal with this hazard should be disseminated and replicated in other parts of the country.

1.3 Objectives of the study

This research study was undertaken to understand multiple factors that make RTI users prone to victimisation and also to suggest remedial measures.

- To analyse the social, political and financial circumstances which lead to victimisation of RTI users and the role of state machinery in neutralising these factors.

- To underscore shortcomings in the current administrative set up and suggest remedies for quick action in cases of threats or incidents of victimisation.

- To study the effectiveness of decisions taken by courts, state and central information commissions, state governments and security agencies related to protection of RTI users.

- To review the performance of protective measures initiated by individuals or civil society organisations (CSOs).
• To suggest measures for collaborative approach between the administration, civil society, media and other stakeholders for protection of RTI users.

Summary: Though RTI Act has helped expose cases of corruption, it has not been a cakewalk for the users who have regularly been victimised for exposing wrongdoings in public offices. Around 20 cases of murder, 45 cases of assault and 73 cases of harassment of RTI users have been reported from all across India since 2007. The study will verify such cases of victimisation, analyse shortcomings in the present system and suggest remedies.

The next chapter will detail the field areas, method of research, criteria for selection of case studies, tools for data collection, limitations of research and scope for further study.
Chapter 2  Scope of the study and methodology

The chapter outlines the scientific basis for this research study. Justification will be provided for selection of the field area and methodology adopted for selection of samples. Operational definitions used, methods of data collection adopted and guiding questions put into practice for carrying out unstructured interviews will also be discussed in detail.

2.1 Scope of the study

Gujarat and Rajasthan have been selected as field areas for the purpose of this research. The rationale for this selection lies in the strength of RTI movement in these two states. Both Rajasthan and Gujarat have a large geographical area with substantial rural set up and a deep-rooted caste-based society, at least in the villages. Both the states also differ in various ways which offers a good contrast to the research. While Gujarat is an established industrial hub with some of the largest businesses in India\(^7\), people of Rajasthan are mainly dependent on tourism, agriculture and daily labour.

Rajasthan was the battleground from where the first call for right to information was made in mid 1990s by the labourers and farmers seeking their right to livelihood. (report: MKSS. On the other hand, Gujarat is only second to Maharashtra in reported cases of murder, assault and harassment of RTI users. Around 20 such cases have come

---

Analysing victimisation of RTI applicants and strategies for their protection to notice through media reports and other sources in Gujarat.\textsuperscript{8}

The neighbouring states also score high on presence of civil society organisations working in the field of right to information and human rights. In Rajasthan, RTI Manch, under the aegis of MKSS, is a forefront organisation in this field while People's Union for Civil Liberties (PUCL) is well known for its efforts towards protection of human rights. Besides these, there are various other district-level organisations, including Bikaner-based Urmul Trust, which have been active in the field of RTI.

In Gujarat, Mahiti Adhikar Gujarat Pahel (MAGP) runs an RTI helpline which also assists those who are harassed for seeking information. This is the only one of its kind initiative in India which has acted as a go-between for the common man and security agencies. Ease of access and fewer linguistic barriers also helped select Rajasthan and Gujarat as the field area. It is worth noting that the assessment of these two states should not be seen as representative of the whole of India. Though all the states of India have similar federal administrative structure, they differ in law and order situation and response to human rights violation. For a full picture of the situation in the country, this study should be read with existing research and further studies should be done in other states to complement this research.

\textsuperscript{8} Wikipedia, the free encyclopedia, \url{http://en.wikipedia.org/wiki/Attacks_on_RTI_activists_in_India}. Accessed on April 24, 2012
2.2 Research Methodology

The study was conducted through qualitative research method since the theory will be generated through the process of gathering information and looking for patterns. Nature of the problem is already known (RTI applicants are being victimised), so the study fell under causal research looking for parameters affecting safety of RTI applicants. The Oxford dictionary broadly defines 'victimisation' as unfair treatment but this study will specifically focus on cases of assault, threat calls, intimidation and registration of complaints/police cases against an RTI applicant subsequent to filing of the application(s). Only those case studies which involved usage of RTI to help a public cause have been selected purposefully to avoid the instances of RTI misuse, if any.

The target population was all the RTI users living in geographical boundaries of Rajasthan and Gujarat who have been victimised for seeking revealing information. Information about such persons was gathered through media reports and from people working in the field of RTI in Rajasthan and Gujarat.

Judgement sampling method was used as the sample had been selected based on the judgement about some appropriate characteristics required of the sample member. The sample was selected only after verification that use of RTI was the reason for the alleged victimisation. Where mixed motives were found, it was determined through documents and personal judgement based on exhaustive interviews what the dominant motive was.
2.3 Data collection methods

- Desk review of existing documents on victimisation of RTI users in the country and protective measures initiated by individuals, civil society organisations (CSOs) as well as government agencies (policy papers, court orders, affidavits, representations, memorandums and minutes of meetings of key organisations, for instance, the Central Information Commission.). Analysis of documents pertaining to individual case studies.

- Legal review of existing and draft laws regarding right to information, protection of human rights, whistleblower protection and UN declaration on human rights. The review covered generic law, including the draft Public Interest Disclosure and Protection to Persons Making the Disclosures Act (Whistleblower Protection Bill), Protection of Human Rights (PHR) Act, 1993, sectoral laws including Code of Criminal Procedure, 1973, Indian Penal Code and Indian Evidence Act, case law, (e.g. court cases, decisions of information commissions) besides parliamentary debates.

- Key informant interviews with RTI experts and practitioners and other well-informed persons in order to get a clearer picture on the research topic.

- Media analysis, including a review of media reporting on victimisation of RTI users and protective strategies.

- Unstructured interviews with victimised RTI users, their family members, the accused party, administrative officials dealing with the case.
Analysing victimisation of RTI applicants and strategies for their protection

Though all the interviews were unstructured, these were the guiding questions in most of the case studies:
• What was the public cause raised or likely to be raised in the RTI application filed by the user?
• How was the accused party affected or likely to get affected by the disclosure of such information?
• What was the mode of victimisation used?
• Any other factor besides RTI which could have been the reason for victimisation?
• Which public authority/authorities and/or security agencies that were intimated about the instance of victimisation and when?
• Action taken by public authorities and/or security agencies and its impact?
• Any protective measure initiated by the user on his/her own and its impact?

2.4 Analysis of data and results

The research was carried out between April and June 2012 and the results of the assessments were discussed and analysed on monthly basis with the faculty members of the Indian Institute of Public Administration (IIPA). Preliminary findings were also discussed briefly at a national workshop on best practices in the implementation of the RTI sponsored by the Department of Personnel and Training (DoPT), Government of India in May 2012. Certain updates were added later on during vetting of the report.
2.5 Selection of case studies

Based on preliminary research, four case studies in Rajasthan and 13 case studies in Gujarat were selected for further investigations. More cases of victimisation were visible in Gujarat because of presence of an intensive network of CSOs and individual activists working in the field area, better communication and transport facilities, larger media presence and existence of a dedicated RTI helpline run by a CSO.

Of the selected case studies, three cases from Rajasthan and six from Gujarat were found to be valid according to the research design adopted for this study. The imbalance in selection of case studies is not bound to affect the research findings since the study focuses on individual cases and does not draw state-specific inferences.

**Summary:** Gujarat and Rajasthan have been selected as field areas because of the strength of RTI movement in these two states. Both the states also differ in various ways which offers a good contrast to the research. Qualitative research method was adopted since the theory will be generated through the process of gathering information and looking for patterns. Only those case studies which involved usage of RTI to help a public cause have been selected purposefully to avoid the instances of RTI misuse, if any. A total of nine case studies were selected using the judgement sampling method. The next chapter charts out the progress of right to information movement in India.
Chapter 3 The transparency movement

This chapter charts out the trajectory of right to information movement in India vis-a-vis the international experience. It details the background including legal pronouncements, civil society or people’s movement and government action over the years till the enactment of the Right To Information Act 2005. Lessons learnt from other countries are also incorporated in this chapter.

3.1 Right to Information in India

The RTI Act came into being after concerted efforts of social activists who sought amendments in the Freedom of Information Act for greater powers to the people. The most heartening fact to be noted after six years is that their trust in common man has been vindicated. Citizens of the country are increasingly arming themselves with the provisions of the legislation and turning India into a democratic country in the true sense. This is evident with the steady increase in number of requests for information filed with various public authorities from October 2005 to March 2011. The number of RTI applications with central authorities and Union Territories have actually gone up from 24,436 in 2005-06 to 4,17,955 by 2010-11.9

---

The enactment of the RTI Act was a result of the confluence of a variety of factors, both international and domestic. The legislative expression of the right to information has long been recognised as supporting all other human rights. Article 19 of the Universal Declaration of Human Rights of the United Nations (UN), signed on 10 December 1948, states unequivocally:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Therefore, the freedom of opinion and expression which lends veracity to the right to information has been unambiguous elements of a historic international law to which
India is a signatory. The UN Declaration gives preference to human rights over power of the State. However, even before any international declaration on information was signed, there was already a movement underway in Europe for more transparency in the functioning of governments. This movement culminated in legislations ensuring information access which have set benchmarks for others including India. Here’s a brief on these international laws:

**Sweden**

Sweden has the oldest legislation relating to public access to official documents, dating back to as far as 1776. The right is, in fact, provided in the Constitution itself. The principle that disclosure of information is the norm unless it is withheld by specific legal provision underlies Sweden’s open access regime. Documents that are to be exempted from disclosure are defined in the Secrecy Act.

**Finland, Denmark and Norway**

Finland passed the *Law on the Public Character of Official Documents* in 1951. The legal provisions benefited from the country being a part of Sweden in the 19th century. Both Denmark and Norway passed their information access laws in 1970.

In all these four Scandinavian countries, citizens who have been denied information can appeal to the court.

**United States**

The United States Freedom of Information (FOI) Act, passed in 1966, laid out the decree that access to documents should be a rule rather than an exception. However, due to
Analysing victimisation of RTI applicants and strategies for their protection

inherent difficulties in enforcing compliance, this Act was amended in 1974 and the onus of justifying restriction of access to a document was placed entirely on the government. It goes one step further than the laws of other countries by allowing limited disclosure or the release of all non-secret information that can be segregated from the exempted information in any secret file. The most potent provision in the US law is the power of a judge to examine whether or not the government has classified documents properly. Indian lawmakers and civil society groups found some of the earlier European and American practices familiar. In particular, the provision that applicants do not need to provide a reason for accessing documents has been adopted in the RTI Act of India. The American law’s provisions for disciplinary action, right to inspect documents and fees for inspection and photocopy have also found a place in the Indian legislation in some form or the other.

3.2 THE BACKGROUND

In India, the movement to realise the right to information occurred in three areas:

- Legal pronouncements
- Civil society/ people’s movement
- Government action

The Supreme Court (SC) has held through various judgments that the right to information is a part of the fundamental right to freedom of speech and expression under Article 19 (1) of the Constitution, since the right cannot be properly exercised if the people did not have the right to information. The clearest enunciation of the fundamental
right to information was seen in the Supreme Court ruling in the *State of P vs. Raj Narain* [(1975) 4 SCC 428] in which Justice K.K. Mathew said:

“In a Government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They (the public) are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil of secrecy, the common routine business is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption”.

Later, in *S.P. Gupta vs. Union of India* [1982 SC (149)], Justice P. N. Bhagwati observed: “The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of the government must be the rule and secrecy an exception.”

### 3.3 THE GRASSROOTS MOVEMENT

The RTI Act is the result of a popular and widespread grassroots struggle for effective governance. Civil society movements to realise the right to work and livelihood of
villagers discovered that public money meant for development projects was being siphoned off routinely. Workers were being denied their wages and classified government records were showing that these people had not worked on the projects.

Mazdoor Kisan Shakti Sangathan (MKSS), which took up the issues of land redistribution and minimum wages in 1990s, understood the significance of transparency and the right to information. Every time the workers asked to be paid the minimum wage, they were told that they had not done the work, a claim that, they were also told, was based on records. When the MKSS demanded to see the records, the reply was that these were government accounts and therefore secret. And so it was that a simple demand for minimum wages became a fight for the right to information. The poor started to see that they had to be involved in the RTI campaign because it was an issue connected intrinsically to their livelihood and survival. One of the slogans born during the struggle is self-explanatory: ‘The Right to Know, The Right to Live.’

A series of demonstrations and public hearings were held to show how local governments had manipulated the records that affected wages and livelihoods of villagers. In 1996, a nation-wide network of senior journalists, lawyers, distinguished bureaucrats, academics and social activists strongly advocated for abolition of the Official Secrets Act, 1923 and enactment of a strong right to information legislation at the Centre. Starting from the time when States were operating right to information laws in a limited way, and during the period after the RTI Act 2005 was promulgated, there was a conspicuous upsurge in public response. In 2002, the Freedom of Information (FOI) Bill was passed but it invited criticism from the civil society for not being

Analysing victimisation of RTI applicants and strategies for their protection

effective in ensuring transparency in government functioning. Even as efforts for a Central legislation on the right to information continued, several states had already begun enacting their own access to information laws. However, neither were these Acts considered very strong tools for enforcing accountability nor were they citizen friendly. The provisions for proactive disclosure and penalty were not present. In some cases there was a long list of documents and information exempted from the laws.

Though the FOI Act was passed by Parliament in 2002 and received Presidential assent in January 2003, it was not notified and, as a result, was never enforced. In May 2004, the struggle for the right to information received some encouragement in the form of the National Common Minimum Programme (NCMP), which promised to make India’s information access legislation “more progressive, participatory and meaningful”. The National Advisory Council (NAC) was set up to fulfil this, among other things. The RTI Act came into force within 120 days of its enactment on October 12, 2005.

**Summary:** In India, the movement to realise the right to information involved legal pronouncements, people’s movement and government action. The Supreme Court (SC) has held through various judgments that the right to information is a part of the fundamental right to freedom of speech and expression under Article 19 (1) of the Constitution. Civil society movements to realise the right to work and livelihood of villagers also pushed for the transparency in expenditure of public money.

In the next chapter, various documents including academic research reports, legal court orders and administrative reports and decisions are reviewed for better understanding of the topic.
Chapter 4  Literature review

This chapter offers references to the contemporary studies related to the research topic, development in the field of administrative reforms and policy making at the state and Central level. Draft law on whistle blowers, status of human rights defender in India, resolutions passed by the information commissions, court orders, action of law and order agencies, media and civil society organisations besides community action will also be discussed in detail.

4.1 Threats to RTI users

Victimisation of RTI users is a relatively new phenomenon in India which is why there has not been any systematic study done on the issue so far. The research study conducted by the National Campaign for People’s Right to Information (NCPRI) in collaboration with the Right Assessment and Analysis Group (RaaG) in 2008 to assess the implementation of RTI had also take into account the threat perception of users. It was found that over 40 per cent of the rural respondents term harassment and threats from officials as the major constraint in exercising their right to information. In urban areas, 15 per cent of the respondents cited harassment from officials and uncooperative officials as the most important constraint. However, the study did not delve deeper into case studies of victimisation, shortcomings of the system and protective mechanisms.

Those who challenge the corrupt have always been threatened, but with RTI it has
become easier to challenge and hence the number of cases of victimisation are also on the rise. There have been several media reports about incidents of harassment, threat, coercion and violence against RTI users and their family members by both state and the non-state actors. Media and civil society organisations have particularly been instrumental in raising the issue of protection of the RTI users with the policy makers. The issue has gained great prominence and has been frequently discussed in the Parliament, courts and the executive meetings. It has now been widely accepted that RTI users are prone to victimisation by those with vested interests and a protective mechanism needs to be in place to curb such a practice.

4.2 RTI users as whistle blowers

While addressing the 6th RTI Convention on Oct 14, 2011, Prime Minister Dr Manmohan Singh stated : "I would like to mention here our initiative to enact a legislation for the protection of whistle blowers which would further strengthen the Right to Information. We expect this law to be enacted in the next few months and it would, among other things, help in prevention of violence against those who seek to expose wrongdoings in our public administration."\(^{11}\)

Whistle blowers play a crucial role in providing information about corruption. If adequate statutory protection is granted, there is every likelihood that the government would be able to get substantial information about corruption. In the United States, in the post-Watergate era, after the trials and tribulations of Daniel Ellsberg, the man who

Analysing victimisation of RTI applicants and strategies for their protection

“blew the whistle” on the so called “Pentagon papers”, whistleblowing has not only been protected by statute but is also encouraged as an ethical duty on the part of the citizens.\textsuperscript{12}

In its 4\textsuperscript{th} report the second administrative reforms commission emphasised on protection of whistle blowers exposing false claims, fraud or corruption by ensuring confidentiality and anonymity, protection from victimisation in career, and other administrative measures to prevent bodily harm and harassment.

Accusations especially of blackmailing are regularly made against whistle blowers including RTI users which is why it gets difficult for the security agencies as well as courts to ascertain good faith. South African courts have asserted that —good faith is a finding of fact; —the court has to consider all the evidence cumulatively to decide whether there is good faith or an ulterior motive, or, if there are mixed motives, what the dominant motive is.\textsuperscript{13}

Efforts to bring in a legislation to protect whistle blowers in India have been on-going for some years now. In 2001, the Law Commission of India studied the laws that protect whistle blowers in the UK, USA and other developed countries and had submitted a report to the government. Along with the report the Law Commission submitted a draft bill to protect whistle blowers. Meanwhile, in the absence of a specific law on the subject, the Government of India created a mechanism for its employees and those employed in central public sector enterprises to blow the whistle on wrongdoings.

Analysing victimisation of RTI applicants and strategies for their protection

The Public Interest Disclosure and Protection of Informers Resolution was notified by the Government of India in 2004 to enable public sector employees to make disclosures of wrongdoing to the Central Vigilance Commission in confidence. This mechanism only covers employees working in the Government of India or any of its agencies.14

Law makers have also included statutory provisions to encourage public and official reporting of crimes or of the intention to commit crimes of corruption. These provisions cast reporting obligations on the citizens with penal provisions in the event of failure to comply with such obligations. Section 39 of the Code of Criminal Procedure (CrPC), 1973 makes it mandatory for any person to report to a magistrate or officer of the law any alleged corrupt offence by a public servant failing which he shall be liable for prosecution. Failure to give information is also an offence under Sections 176 or 202 of the Indian Penal Code (IPC) which deal with omission to give notice to public servant by a person legally bound to give it and intentional omission to give information of offence by a person bound to inform. However, these provisions have remained ineffective because no mechanisms are available for protection of the informants.

Obviously, fear of potential whistle blowers being subjected to reprisals by the perpetrators of corrupt acts, and the inability of the government to protect their person and property in the event of such threats are powerful deterrents which far outweigh the moral pressure of duty as a citizen.15

Analysing victimisation of RTI applicants and strategies for their protection

Section 125 of the Indian Evidence Act, 1872, also covers aspects of the interest and integrity of the information given in respect of offences. Official communication with regard to crime is privileged, and a police officer or a magistrate cannot be compelled to disclose the source of information received by him with regard to the commission of the offence.

A law to protect all whistle blowers, including general public, may be a reality in India very soon with the Public Interest Disclosure and Protection to Persons Making the Disclosures Act, (Whistleblower Protection Bill) passed by the Lok Sabha in December 2011. The bill is now pending with the Upper House of the Parliament. The draft Public Interest Disclosure and Protection to Persons Making the Disclosures Act, 2010 (Whistleblower Protection Bill) was referred to the Department related Standing Committee of Parliament on Personnel, Public Grievances, Law and Justice (the Committee) for detailed deliberation. The Committee sought views from the people of India on the contents of the Bill after placing its contents in the public domain and subsequent amendments were made in the draft.

Though the committee had recommended that a proper mechanism be provided for protecting all kinds of whistle blowers including RTI users, RTI activists and human rights defenders, the suggestion has not been accepted. However, Section 3 (1) of the draft bill details that “notwithstanding anything contained in the provisions of the Official Secrets Act, 1923 any public servant or any other person or any other person

Analysing victimisation of RTI applicants and strategies for their protection

including any non governmental organisation, may make a public interest disclosure before the Competent Authority”, thus RTI users are naturally included in the definition of whistle-blowers. Clause 4 of the draft has been amended to make the prior written consent of the whistle blower mandatory before his/her identity is disclosed to the Head of the Department. Where such consent is not forthcoming the whistleblower is only required to hand over all documents relating to the complaint to the Competent Authority.

The original version of the Bill did not contain any clause regarding burden of proof of victimisation. As a result of this the whistle blower would have had to prove that he/she was victimised by the public authority. The standing committee recommended reversal of burden of proof so that the public authority concerned is required to prove that the victimisation did not occur. The amended bill enables the Competent Authority to penalise any person who does not comply with its directions and also requires rules to be made by the appropriate government for stipulating the time for completing inquiries into a complaint of wrongdoing.17

4.3 RTI users as human rights defenders (HRDs)

RTI activists are the most vulnerable human rights defenders (HRDs) of India. Human rights defenders are people who either individually or in a group, act to promote or protect human rights peacefully. “Human Rights Defender can act to address any human right (or rights) on behalf of individuals or groups; Human rights defenders investigate,

Analysing victimisation of RTI applicants and strategies for their protection

gather information regarding and report on human rights violations. The defenders can be characterized as acting in support of victims of human rights violations. They work to secure accountability for respect for human rights legal standards and encouraging a Government as a whole to fulfill its human rights obligations. Thus, human rights defenders make a major contribution, particularly through their organizations to the implementation of international human rights treaties and imparting human rights education, training and capacity building.” (UN, 1998)\(^{18}\).

Human rights defenders are individuals, groups of people or organizations who promote and protect human rights through peaceful and non-violent means. They:

i. uncover violations

ii. subject violations to public scrutiny

iii. press for those responsible to be accountable

iv. empower individuals and communities to claim their basic entitlements as human beings.\(^ {19}\)

Unlike other HRDs, a large majority of the RTI activists are not necessarily part of any organisation or group. They often act alone, moved by outrage against corruption and other illegal activities. RTI activists are extremely vulnerable as they live in the same areas as the corrupt public authorities, political leaders and mafia who do not want information about their illegal activities to be disclosed. The lucky ones come to the media attention only when killed, maimed or battling for life.\(^ {20}\)

\(^{18}\) UN 1998, United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders. It was adopted by the UN General Assembly in December 1998),


Analysing victimisation of RTI applicants and strategies for their protection

The Universal Declaration of Human Rights (UDHR), proclaimed by the UN General Assembly as “a common standard of achievement for all peoples and all nations,” is regarded as an authoritative interpretation of the human rights provisions of the UN Charter.\textsuperscript{21} India signed the UDHR along with 47 other countries on December 10, 1948. (Wikipedia Free Encyclopedia (2011))\textsuperscript{22}

It encompasses two major categories of human rights:

   i. civil and political rights, and
   ii. economic, social and cultural rights.

The RTI users, through a mere act of filing an RTI application, ensure accountability and transparency in functioning of public authorities and in turn protect civil, political, economic, social and cultural rights of all the citizens.

4.4 The domestic protection mechanism

Though human rights violations have been part of the world and Indian history since time immemorial, it was only after independence that universal human rights independent of origin, caste, creed, religion or language were adopted. The Constitution of India was in the process of making when the Universal Declaration of Human Rights was adopted by the United Nations General Assembly and many of these rights were given a concrete shape in our domestic law by incorporating them in Part-3 and Part-4 of

\textsuperscript{21} UDHR (1948): Universal Declaration of Human Rights

\textsuperscript{22} Wikipedia, the free encyclopedia, en.wikipedia.org/wiki/Human_rights_defender, Accessed on April 20, 2012.
Analysing victimisation of RTI applicants and strategies for their protection

the Constitution dealing with the Fundamental Rights and Directive Principles of the State Policy including Right to life, personal liberty and others Social, Economic, Educational, Religious and Cultural Rights and Rights to Constitutional Remedies. (Basu, 1993)²³

The Indian Parliament has enacted the Protection of Human Rights (PHR) Act, 1993 and also constituted new mechanism such as National/State Human Rights Commissions at the level of the Union and Provincial for better protection and promotion of human rights. The human rights are defined in Section 2(1) (d) of the PHR Act, “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”. The functions of human rights commissions include enquiring suo moto or on petitions into complaints of violations of human rights, review safeguard provided under the Constitution or any law and study laws, treaties and other international instruments of human rights and make recommendations for their effective implementations, undertake and promote research on human rights issues, spread human rights awareness and encourage efforts of individuals, non-governmental organisations working and media and other civil society (human rights defenders) in the field of human rights under the provisions and its implementations of the Protection of Human Rights Act in the country (PHRA, 1993)

However, it has been found that human rights defenders face tough time in the country. Of 25 cases listed at NHRC website in 2010, majority of the cases against HRDs relate

Analysing victimisation of RTI applicants and strategies for their protection with police atrocities against human rights defenders.\textsuperscript{24} The defenders are illegally arrested and detained in police custody. They are also abused, misbehaved, assaulted, harassed, humiliated, false charged, tortured and treated inhumanly. In some cases, high police officials were also involved like SP/DIG/IGP level which indicates zero level tolerance and sensitivity among police towards human rights defenders.

The non-state actors, including individuals, local politicians and others anti-social elements also indulge in inflicting violence against HRDs who were involved in exposing cases pertaining to corruption, violations of human rights and black-marketing of goods and illegal mining activities. In few cases, the dynamics of police violence reflected such as police collusion with powerful people to non-registration of cases, abused and use of force against human rights defenders. However, none of the case under the study had been disposed off nor victims got any sort of relief by the National or State Human Rights Commissions. A few instances of state human rights commission seeking information about murder of RTI activist have been reported. The State Human Rights Commission (SHRC), Gujarat, sought a report from the director general of Gujarat Police and the mines and minerals department on the murder of RTI user Amit Jethwa.\textsuperscript{25}

4.5 Moves by information commissions

Nepal, which followed India in formulation and implementation of the RTI Act, has redressed the issue of protection of RTI users. According to the Nepalese legislation: “It shall be a responsibility of employee of public agency to provide information on any ongoing or probable corruption or irregularities or any deed taken as offence under the prevailing laws. If any punishment or harm is done to the whistleblower, the whistleblower may complaint, along with demand for compensation, to the commission for revoking such decision.”

Though the Indian RTI Act does not specifically address the issue of protection, the NCPRI-RaaG study recommends that information commissions (ICs) should receive complaints of threats and attacks as complaints received under Section 18(1)(f) of the RTI Act and, where prima facie merit is found in the complaint, the IC should institute an inquiry under Section 18(2) (reasonable ground for inquiry) read along with Section 18(3) (IC granted powers of civil court) and Section 18(4) (power to examine any record).

The report goes on to suggest that such intimidation, threat or attack can also qualify as obstruction and falls within the gamut of Section 20(1) as an offence liable for penalty. “Where the enquiry establishes the guilt of a person who is a PIO, the IC must impose such penalty as is appropriate to the case and acts as a deterrent to other PIOs. Where the guilty party is not a PIO, the IC must establish a tradition of passing on the enquiry

Analysing victimisation of RTI applicants and strategies for their protection

report to the police, where a cognizable offence is made, or otherwise to the relevant court, and use its good offices (and its moral authority) to ensure that timely and appropriate action is taken,” the report recommends.

Section 18(2) of the legislation says that if “the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.” If the information commissions would like to use this provision to inquire into matters of victimisation of RTI users, they may have to go a step beyond their conventional purview. In fact, the Gujarat Information Commission (GIC)\(^\text{27}\) has used this provision to demand action in reported cases of harassment and threat. Ahmedabad-based non-profit group, MAGP has been running a helpline for RTI whistle blowers. The helpline voice records a complaint, transcribes it and forwards it to the state information commission for action. While the complainant is encouraged to lodge a complaint or FIR at the nearest police station, the information commission also asks the concerned area DSP to look into the matter. The involvement of information commission in the whole process ensures prompt action by the police.\(^\text{28}\)

As a first institutional framework to provide protection to RTI applicants, the Central Information Commission (CIC) passed a resolution on September 13, 2011. According to the resolution, if the commission receives a complaint regarding an assault on or


Analysing victimisation of RTI applicants and strategies for their protection

murder of an information-seeker, it will examine pending RTI applications of the victim and order the departments to publish the requested information suo motu on their websites.29

The commission also resolved that it will take proactive steps in ascertaining the status of investigations/prosecutions of cases involving information-seekers and endeavors to have these processes expedited. (Annexure 1.1). However, there has not been a single case till now for which this provision has been invoked. State information commissions have also been taking up cudgels against threat to RTI users from time to time. On September 30, 2008, the Karnataka Information Commission issued instructions to the Director General of Police (DGP), Bangalore, that police personnel should not visit RTI Applicants nor ask them to come to the police station unless they have asked for inspection of documents.

This order came on plea of RTI applicant Sunil Kumar Panchariya who had sought certain information with regard to a complaint registered at High Grounds Police Station. The petitioner complained that he was threatened by the constable from High Grounds Police Station stating that in case he went against local police he would face the consequences. While giving its order, the Karnataka Information Commission observed that “it has received several similar complaints against police stations, wherein it has been alleged that when an applicant files an application under RTI Act with a police station, either the constables from the police station repeatedly visit his house or he is repeatedly summoned to the police station. Commission is of the view that these

analysing victimisation of RTI applicants and strategies for their protection

practices are hindering the proper implementation of the provisions of the Act and exercise of the right to information by the citizens vis-
à-vis police authorities.” 30

4.6 Courts and governments

On May 7, 2010, while hearing the murder case of RTI activist Satish Shetty, the Bombay High Court ordered the Maharashtra state government to immediately provide police protection to any person or organisation that complains of threat or use of force or has been attacked for filing applications under the RTI Act. The High Court also directed the state government to set up provisions for speedy investigation of cases of threats or attacks against social activists, a monitoring system and a database of social activists, within 90 days. 31

Earlier, in a circular dated January 18, 2010, the Mumbai Police Commissioner had called for quick action into complaints of victimisation by activists and immediate preparation of threat perception report in case protection has been sought by the complainant. A police-public coordination committee involving local activists was also proposed at the police station level for better coordination. (Annexure 1.2). This was closely followed by a government resolution issued by the Maharashtra government. However, RTI users claimed that the orders had not been properly implemented. In a letter to the Chief Minister Prithviraj Chavan on January 3, 2011, a group of RTI activists sought stricter measures including suo moto disclosure of assets and sources of income of politicians, bureaucrats, judges & their family members, appeal procedure

rules for RTI in Maharashtra, with a clause that RTI penalty clause (Section 20) is to be strictly enforced, strict action against policemen who shirk their mandated duty to register FIR within 48 hours of filing of a complaint, time-bound mechanisms for departmental inquiry and disciplinary action in complaints by citizens about corruption, misuse of power and non-enforcement of rules and laws. (Annexure 1.3)

The Punjab government has decided to set up a security review committee comprising of representatives of Home Department, Advocate General’s office and social activists, including women. The committee would be headed by the Additional Director General of Police (ADGP), Security. The move came after a public interest litigation was filed by Advocate H. C. Arora in the Punjab and Haryana High Court seeking directions to Punjab government, Haryana government, UT Chandigarh Administration and the Union of India to frame a policy for protection of RTI activists. Meanwhile, Haryana government drew flak from the court for not taking same steps as Punjab and the division bench observed that the “court had expressed its provisional view that the forums which have to consider the requests for granting protection to RTI Activists should be broad based.”

4.7 Community action

RTI Anonymous, a group of citizens working through web portal www.getup4change.com, has been addressing the issue of protection for RTI users through community initiative. The concept works on the basis of proxy application. This helps offer anonymity and benefit of distance from the issue at hand.

Analysing victimisation of RTI applicants and strategies for their protection

Anybody willing to procure information from any public authority can submit an online request to RTI Anonymous, with details of the public information officer and his set of questions. A volunteer expert helps draft the application which can then be submitted to the public authority by any volunteer based in India. The applicant is generally based in a city distant from the location of public authority so that the magnitude of possible threat is reduced. Once he receives the reply, the documents are uploaded on the website which can then be downloaded by the original requester. The information is made publicly available on the website for lawyers, journalists, researchers and general public. This action also helps decrease the level of threat since anybody can have access to the hitherto concealed information. Though the group does receive requests through post too, most of the users use their online platform which why its reach is limited. Several individuals as well as civil society organisations have also been experimenting with this idea of proxy applicant, prompt public release of the information and submission of same information request by multiple applicants to nullify the security threat.  

Summary: As a first institutional framework to provide protection to RTI applicants, the CIC has passed a resolution that in case of an assault or murder of an information-seeker, it will examine pending RTI applications of the victim and order the departments to publish the requested information suo motu on their websites. The Gujarat Information Commission has also been taking action in such cases under Section 18(2) of the RTI Act which gives the commissions powers to inquire in case of reasonable

Analysing victimisation of RTI applicants and strategies for their protection

grounds. In response to a public interest litigation, Punjab government has decided to set up a security review committee to handle cases of victimisation of RTI users. In its 4th report the second administrative reforms commission emphasised on protection of whistle blowers and a law to this effect is pending with Upper House of the Parliament.

The next chapter will include the findings of field research including factual details and information gathered from interviews with various stakeholders in the field area of Rajasthan and Gujarat.
Chapter 5  

Findings

This chapter will present the detailed case studies including factual details, information gathered from official documents, media reports and interviews. The selection and analysis of each study will be done by using the methodology discussed before and inferences will be drawn. Performance of various protective methods used by civil society organisations and individual RTI applicants will also be analysed.

5.1 Rajasthan

Rajasthan is the largest state of India lying on north western frontier of the country with an area of 342,269 square kilometres and population of 68.6 million, according to 2011 Census.\(^34\) During recent years, Rajasthan has made significant progress in the area of education as its literacy rate of Rajasthan increased significantly from 38.55 per cent in 1991 to 67.06 per cent in 2011.

Rajasthan was the battleground from where the first call for right to information was made in mid 1990s by the labourers and farmers seeking their right to livelihood. (report: Mazdoor Kisan Shakti Sangathan (MKSS)). Due to its vast geographical expanse, a large number of people reside in far flung areas with many of the villages lacking approach roads. However, since the RTI movement was powered by the residents of these very nondescript villages, the awareness level about right to information is comparatively higher among the rural population of the state as 19 per

---

Analysing victimisation of RTI applicants and strategies for their protection

50% of them are aware of the RTI Act against 13 per cent national average.\textsuperscript{36}

RTI Manch, under the aegis of MKSS, is a forefront organisation in this field while People's Union for Civil Liberties (PUCL) is well known for its efforts for protection of human rights. Besides these, there are various other district-level organisations, including Bikaner-based Urmul Trust, which have been active in the field of RTI. Over the years, the number of RTI applications filed with various public authorities has seen a steady increase in Rajasthan. From 9,140 in 2006-07, the number of applications submitted rose to 45,610 in 2009-10.

\textbf{Graph 2}

\textit{Trend in RTI applications received in Rajasthan between 2006-10}

\begin{figure}
\centering
\includegraphics[width=\textwidth]{trendgraph.png}
\end{figure}

\textsuperscript{35} Five Years of RTI in India: Challenges and opportunities in Rajasthan. Jaipur: Consumer Unity & Trust Society, 2010
\textsuperscript{36} Understanding the “Key Issues and Constraints” in implementing the RTI Act, New Delhi: Price Waterhouse Coopers, 2009.
However, the Rajasthan Information Commission (RIC) has been facing rough weather related to matter of pendency. There is only one chief information commissioner and not a single information commissioner in the RIC which has led to increase in number of pending appeals to more than 8,000 and the time of disposal shooting to over one year.37

The approach of RIC on cases of victimisation of RTI users is not proactive. During an unstructured interview, Mr T Srinivasan, the present chief information commissioner appointed in 2011, expressed ignorance about several cases which have been highlighted by the media time and again. Mr Srinivasan had knowledge regarding just one recent incident in which a former sarpanch had been assaulted for complaining about corruption in MNREGA works at Ankhisar village of Bikaner district. In this particular case, the commission had formally written to the state home department requesting appropriate action but Mr Srinivasan ruled out any suo moto action on the part of the commission. He also ruled out any collaboration with civil society organisations since according to him “there are not many cases of victimisation of RTI users in Rajasthan.”

5.1.1 Case study #1
Mangla Ram, Bammor village, Barmer district

Around 52 km from Barmer district town, a long winding road passes through vast, uninhabited expanse before reaching a dusty village of Bammor. With a population of around 7,000, the settlement seems to be located in the middle of nowhere, just like several other villages of Rajasthan. The nondescript village grabbed national headlines when Mangla Ram, who sought information from his panchayat on development works, was brutally beaten up at a gram sabha meeting on March 3, 2011.

It all started in 2006, when Mangla Ram, at that time working as a labourer in Gujarat, got to know that a house under Indira Awas Yojana had been allotted to him. He was rejoiced since that would ensure a pucca house and ownership of the part of gauchar (pastoral) land they have been living on along with several other underprivileged families of the village. However, the sarpanch, Syed Ghulam Shah, allegedly asked for 50 per cent commission from the grant and when Mangla Ram refused to share the amount, the grant was denied.

Mangla Ram decided to take the sarpanch to task and started using RTI in 2009 along with a couple of friends to access information related to various development works done in the village since 2001. He was asked to submit Rs 40,282 upon which he approached the Rajasthan Information Commission with the plea that since he was a BPL person the information should be provided for free. The commission ordered that first 100 pages of the information should be given for free.
Peeved by this, the sarpanch complained to the district collector seeking removal of encroachments from the gauchar land of the village which meant uprooting all the families staying there. When the anti-encroachment team came to demolish the dwellings on February 25, 2011, Mangla Ram and his friends reasoned that they had been staying on the land for decades and despite repeated requests, the panchayat was not willing to discuss the agenda for regularisation of these dwellings during its meetings. The tehsildar accepted the contention and only new encroachments were removed. This further created a rift between the two sides and the sarpanch allegedly threatened Mangla Ram.

On February 28, 2011, Mangla Ram met the Superintendent of Police, Barmer, and the district collector with an application (Annexure 2.1) seeking security and apprised them of the irregularities in development works done at the village. On March 3, a meeting of social audit was conveyed at the panchayat ghar and when Mangla Ram entered the premises, he was allegedly assaulted by the sarpanch and his supporters with sharp edged weapons and sticks. Mangla Ram had to be rushed to the hospital with severe injuries including multiple fractures. An FIR (Annexure 2.2) was registered against Ghulam Shah under Sections 448 (house trespass), 341 (wrongful restraint), 323 (voluntarily causing hurt) and 308 (attempt to commit culpable homicide) of IPC and Section 3(1)(10) (intentional insult or intimidation with intent to humiliate a member of a SC/ST within public view) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

Next day, a police team visited the village and found four persons, Ali Khan, Jila Khan,
Hamira alias Bhuta and Jamil, creating nuisance and threatening to kill Mangla Ram. They were arrested under Section 151 (arrest to prevent the commission of cognizable offence) and Section 107 (to ensure peace in the area) of the CrPC (Annexure 2.3). However, no arrest was made of Ghulam Shah. Later, the police claimed that the sarpanch was not even present on the spot when the attack took place and it was Mangla Ram who invited trouble by indulging in name calling against Shah, which was objected to by the sarpanch’s supporters who also thrashed him. The four persons arrested earlier, owned up to assaulting Mangla Ram. On the other hand, the victim claimed that Shah was present since the meeting could not be conducted in his absence.

The incident got highlighted in state and national media upon which an inquiry by SDM, Gudamalani, was instituted. The SDM report (Annexure 2.4) also verified the presence of sarpanch when the incident took place and recommended a high-level inquiry into allegations of corruption in the development works done under various welfare schemes. Earlier, Superintendent of Police (SP) Santosh Chalke had claimed that upon receipt of Mangla Ram’s complaint, the sarpanch had been issued a warning before the incident. However, this claim was rubbished in the SDM’s inquiry report. Soon after, the SP changed his stance claiming the application for security was caught in procedural delays.

On March 4, 2011, Principal Secretary and Joint Secretary (MNREGA) ordered special investigation (Annexure 2.5) by a team headed by Joint Director (Social Audit) into the development works done in the village between April 1, 2007 and December 31, 2010 under MNREGA as well as Indira Awas Yojana. Members of various civil society organisations including dalit groups staged a massive dharna at district headquarters for 60 days beginning March 7, which included silent protests and public rallies. The district
collector assured quick action and also sanctioned Rs 25,000 as medical compensation to the victim, who was still recovering from his injuries at a Gujarat-based hospital.

The inquiry team found several irregularities and unaccounted money amounting to Rs 9,67,781 (Annexure 2.6). Glaring wrongdoings including bogus bills, 51 missing or low quality water tanks, irregularities in construction of 20 dwellings under Indira Awas Yojana and no collection of tax or VAT from unregistered firms, were noticed. The under construction houses were also sanctioned only after constitution of the inquiry. Two Bamnor-based firms which were supposed to have supplied the construction material during three years did not exist. One of the recipients of payment worth Rs 35.96 lakh was Chana Khan Mussa Khan, the driver of the sarpanch, who actually belongs to BPL category and has a kutcha house. However, no action was taken against the culprits as it was claimed by local MLA that the probe was impartial and the sarpanch and other local officials had not been given an opportunity to submit their views. A district-level inquiry was demanded. Subsequently, another inquiry was marked on April 7, 2011, to the district collector who gave the charge to SDM, Chauhatan. The inquiry team found that the unaccounted for money was Rs 3,61,750 instead of the earlier calculated Rs 9,67,781, but irregularities in allotment of work to bogus companies besides incomplete and missing work were confirmed.

On May 19, 2011, Mr C S Rajan, Principal Secretary (Rajasthan Rural Development and Panchayati Raj Department) wrote to district collector-cum- district programme coordinator (MNREGA) for recovery of the unaccounted money and disciplinary proceedings against the sarpanch, gram sewak and technical assistant-cum-assistant engineer (Annexure 2.7). However, despite all this, no action was taken against those
found guilty whereas Mangla Ram is yet to recovery fully from his injuries. Doctors have inserted steel rods in his legs but he has not regained his full strength, which he fears might never be possible.

The sarpanch, Syed Ghulam Shah, not only enjoys a good financial status but also has a considerable political clout as the religious head of a sizeable Muslim community of the area. Local politicians and MLA are believed to be backing him to avoid loss of mass support during elections. On the other hand, Mangla Ram belongs to scheduled caste and BPL category, which does not have much political base in the area. Though he is getting financial and moral support from certain dalit organisations based in Barmer town, Mangla Ram continues to live in fear. Several requests by him to the police for registration of an FIR against the accused went unheeded.

Recently, on August 4, 2012, Mangla Ram approached the district magistrate seeking directions to the police for registration of an FIR against the sarpanch, gram sewak and technical assistant-cum-assistant engineer citing the inquiry reports proving corruption on their part. On August 8, 2012, the magistrate issued directions to the police under Section 156(3) of the CrPC for inquiry into the allegations of corruption.
Conclusion: This is an extreme case of victimisation where the justice has been denied till now despite subsequent inquires indicting the high and mighty of indulging in corruption. Political compulsions seem to be preferred over law of the land in Bamnor. Little consolation can be drawn from the fact that several development works, which were only listed in papers, were done after the corruption was highlighted. The support of dalit social organisations has motivated Mangla Ram to get an FIR registered against the accused recently but it remains to be seen how seriously police deals with the case.
5.1.2 Case Study #2

Babu Ram Chauhan, Ramgarh village, Jaisalmer district

This border town with a population of around 20,000 is the last settlement where the water from Indira Gandhi Nahar Pariyojana (IGNP) is used to irrigate fields thus bringing greenery to the desert area. The land around the canal is allocated to landless farmers on subsidised rates. However, land mafia has gained foothold in the area with many deserving farmers not being awarded the titles. School teacher Baburam Chauhan took upon himself to get the encroachments removed by using the RTI Act. His untiring effort saw 30 villagers getting the land allotted but there are 200 others still awaiting the benefit.

It was in 2006 that Chauhan first used the RTI Act to access information about delay in disbursement of monthly salaries to teachers of Rajiv Gandhi Pathshala in nearby Mohangarh panchayat. Based on the information provided, he complained to the district collector who put the district education officer on show cause notice and subsequent salaries were disbursed on time. This gave him a confidence boost and Chauhan decided to use RTI to address the issue of land allotment in the IGP’s command area in March 2008.

Since he was fighting for a public cause, Chauhan involved the community in his work from the very first day. Around 200 villagers, who were awaiting land allotment, contributed money to support Chauhan’s effort who also trained them in filing of RTIs and scrutinising the details. Of the total 70 applicants filed till now on the issue, 40 have
been submitted by him and 30 were submitted by other villagers he trained. Chauhan has also kept accounts of the donated money open for anybody to inspect. Substantial community support from the very initial days helped Chauhan sail through difficult times too.

The information accessed through last four years of consistent efforts has been revealing as it was found that around 17,380 hectares were under encroachment by the land mafia. The encroachers were not only making a neat profit of Rs 1 lakh per 25 bigha (6.32 hectare), they were also siphoning off the canal water presumably in connivance with local revenue officials. According to rules of land allotment, 30 per cent quota is fixed for those belonging to scheduled castes (SC) and scheduled tribes (ST). However, only 18 per cent of the quota requirement had been met.

The offenders felt threatened by such information getting public and tried to thwart the movement by sending letters to administration officials, including the district collector and district magistrate, accusing Chauhan of being a Pakistani spy helping the neighbouring country by procuring maps of the IGNP canal area under the RTI Act. Separate inquiries were initiated into the allegations by the CB-CID and the education department in 2010.

The CB-CID report (Annexure 2.8) submitted in June 2010 mentioned that the allegations were baseless as the complainant’s name and address were found to be fake and Chauhan was only procuring information related to land allotment instead of the canal’s structural plan. The education department also found his conduct to be satisfactory. During these inquiries, villagers came out in full support of Chauhan and
submitted a memorandum to Ramgarh police station SHO on this issue. The movement was further strengthened in July 2010 when acting on several representations based on information accessed using the RTI Act, 30 villagers were allotted the land.

Disappointed by failure of their plan, the land mafia started threatening Chauhan with dire consequences if he went ahead with his work against encroachments. However, undeterred by these threats, Chauhan acted promptly and submitted an application to the Superintendent of Police on September 1, 2011, seeking 'on-call security' from the administration (Annexure 2.9). In the application, he named the prime suspect who was asked to execute a bond that he or his supporters would not harm Chauhan.

The 32-year-old school teacher also decided to change his strategy to deal with the issue. Instead of seeking action against encroachments on vacant plots, he stressed on allotment of vacant land to the deserving candidates. Due to his consistent efforts, Colonisation Commissioner (Bikaner) has now accepted the fact that 17,380 hectare of the land is vacant and SC/ST applicants have not been given their due share. The villagers have also hired a lawyer to get a court stay if the vacant land is allotted to somebody else.

Though real action on the ground is still awaited, Chauhan has definitely made the authorities acknowledge the discrepancies in the system. What keeps him going is the improvement in living standard his family experienced due to a small piece of land. In his own words: “Though my family was poor, I was able to study and get a government teacher’s post because my father tilled a small piece of land. Just imagine how many underprivileged families will be able to improve their lives this way if the land is
Analysing victimisation of RTI applicants and strategies for their protection

allotted according to rules.”

Figure 2  Baburam Chauhan showing RTI documents.

Conclusion: Chauhan involved the community in the information seeking process instead of jumping into the fray alone. This not only helped ease the financial burden but also ensured that he was not an easy target for vested interests. Prompt action in approaching the authorities on receipt of threat calls and a clean image in society also helped his cause.
5.1.3 Case study #3
Goverdhan Singh, Bikaner city, Rajasthan

Bikaner is located in the northwest of Rajasthan around 330 km from the state capital, Jaipur. Though it is situated in the middle of the Thar desert with very little rainfall and extreme temperatures, the Indira Gandhi Canal, completed in 1987, has led to growth of agriculture in the area. According to Census India 2011, the city’s population is 6,47,804 with 3,40,894 males and 3,06,910 females. Average literacy rate of Bikaner city is 79.86 percent of which male and female literacy are 87.15 and 71.77 percent.

Famous for its delicious sweets, namkeens and other tangy snacks, Bikaner also shares a sweet and sour relation with RTI. While users cite several incidents of corruption being exposed with help of the transparency law, officials claim the law is being misused to serve personal interests, settle scores and to blackmail. The district collector has earlier been fined Rs 25,000 by the Rajasthan Information Commission for failing to reply to an RTI query related to deployment of election officers during 2008 Assembly elections38 while the present and previous chief information commissioners are also battling accusations of forgery in a case filed by a Bikaner resident.

At the centre of this controversy is 34-year-old Goverdhan Singh, who has been accused of indulging in vendetta and blackmailing against businessmen, educational institutes as well as government officials, by using the RTI Act. On the other hand, Singh claims that his efforts have revealed corruption in the society and he is being targeted for his good

Analysing victimisation of RTI applicants and strategies for their protection work.

It is also pertinent to mention here that Goverdhan Singh is a recovery agent for telecommunication companies and has been accused of high handedness with cases of voluntarily causing hurt, wrongful restraint, robbery and criminal breach of trust being registered against him. However, in many of these cases he has been acquitted or claims to have been victim of a conspiracy. This research study follows the tenets of Indian law which holds everybody equal when it comes to protection of rights of a citizen irrespective of his/her antecedents. Also, this case study meets the criteria set for inclusion in this research.

The district officials also confirm that Goverdhan Singh has been an active user of RTI and though they term his interventions to be a nuisance, the fact that his claims are based on authentic documents is widely accepted. District collector Dr Prithviraj Sankhala says Singh picks up loopholes in the system through RTI and then exploits them.

The high point of this controversy was February 2010 when nine cases were filed against Singh within a span of 46 days. Cases were also filed against his family members, friends and lawyer while his house was sealed and car confiscated by the police. Singh’s tryst with RTI began in 2006 and he started using it to bring out incriminating details about various business houses, newspapers, administration officers and educational institutes. Shanti Prasad and his brothers who run three local vernacular newspapers and a gas agency in Bikaner have been at the receiving end of his work. Singh procured details related to circulation claimed by the newspapers and government advertisements allotted to them. Discrepancies were found in the copies printed and
circulation claimed. The case is pending with the anti-corruption bureau as Singh claimed that government officials were unduly favouring the publications. Another case has also been filed against the gas agency run by the family for selling LPG cylinders in black and out-of-turn refilling of the cylinders. Singh also made a complaint to the district collector against Shantiprasad’s brother Madan Sharma accusing him of getting a post of gazetted officer through unlawful means since he was originally appointed as a temporary worker.

Shantiprasad claims that he and his brothers had been targeted because he did not oblige Singh when he asked for supply of LPG cylinders in black. The dispute has intensified with submission of various cases and cross cases. Among the nine cases filed against Singh in 2010, two were by Shantiprasad and his family. A case was filed on a complaint by Shantiprasad alleging extortion by Singh on February 2, 2010, while another case of extortion and defamation was filed by his brother Mohan Sharma on February 21, 2010. The latest case between the two parties was filed on April 15, 2012 with Shantiprasad and his family claiming that Singh forcibly entered their house and molested the women. On the other hand, Singh claims that Shantiprasad and his family members kidnapped him and tried to eliminate him.

Some of the other important cases where RTI was used by Singh to reveal corruption included the controversy involving former district collectors Shikhar Agrawal and Shreya Guha who were accused of misusing their official position to make hefty payment of electricity and water bills of their residences from government exchequer. In yet another case, tax evasion by Bikaner-based Rashtriya Sahayak Vidayalya Sansthan in connivance with officials of the Oriental Bank of Commerce came to light. Another
Analysing victimisation of RTI applicants and strategies for their protection

revelation was related to the officials of sale tax department of Bikaner who were found flouting government rules by using private vehicles while conducting raids.

Irregularities in staff appointments and financial transactions were also found at the Government Engineering College of Bikaner because of information accessed by Singh using the RTI Act. The college principal later filed a case against him alleging extortion, assault to deter public servant from discharge of his duty and intentional insult with intent to provoke breach of trust.

It is believed that when Singh started procuring information on property details, service records and dispatch register related to Additional SP Satish Chandra and SHO, JNV Nagar, Amir Hassan, he was targeted and nine cases were slapped against him. It needs to be mentioned here that contrary to media reports, the RTI application for seeking this information was not filed by Singh but by his cousin Hanuman Singh on November 5, 2009. However, since Singh and Hanuman have been working together for a long time and it can be accepted that the police officials might have decided to go after Singh. Also, it should be noted that Hanuman and other of Singh’s friends and family members were also charged in different cases. Police teams confiscated his car claiming it to be stolen while his house was sealed. The police also claimed to have confiscated fake currency from the house and found obscene images of women on Singh’s computer which were allegedly being used to blackmail them.

It was also found that while all the nine cases filed against him were by those who could have been itching to get back at Singh, the complainants also acted as witnesses in each other’s case. Here’s a list of cases registered against Goverdhan Singh between February
2, 2010 and April 18, 2010:

Table 1 Cases registered against Goverdhan Singh

<table>
<thead>
<tr>
<th>Date</th>
<th>Complainant</th>
<th>Charges</th>
<th>Earlier connection</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/2/2010</td>
<td>Shantiprasad Sharma</td>
<td>IPC 384 (Extortion)</td>
<td>Owner of gas agency against which a case has been filed for selling LPG cylinders in black market. One of the brothers Madan Sharma accused of gaining post of gazetted officer through unlawful means.</td>
</tr>
<tr>
<td>12/2/2010</td>
<td>M P Poonia</td>
<td>IPC 384 (Extortion), 353 (assault to deter public servant from discharge of his duty) and 504 (intentional insult with intent to provoke breach of trust)</td>
<td>College principal against whom allegations irregularities in staff appointments and financial transactions were made based on information accessed using the RTI Act</td>
</tr>
<tr>
<td>16/2/2010</td>
<td>Kundanlal Bohra</td>
<td>IPC 384 (Extortion)</td>
<td>One of the sales tax officers against whom a case was registered with ACB for using private vehicles during raids against government rules.</td>
</tr>
<tr>
<td>21/02/2010</td>
<td>Mohan Sharma</td>
<td>IPC 384 (Extortion), 211 (false charge of offence made with intent to injure) and 500 (defamation)</td>
<td>Brother of Shantiprasad and publisher of three vernacular newspapers which were found to have exaggerated circulation figures to get government advertisements.</td>
</tr>
<tr>
<td>25/02/2010</td>
<td>Subash Swami</td>
<td>IPC 384 (Extortion), 392 (robbery) and 452 (house trespass)</td>
<td>School principal earlier accused of tax evasion.</td>
</tr>
<tr>
<td>26/02/2010</td>
<td>Dharam Poonia</td>
<td>IPC 420 (cheating), 463 (forgery), 465 (punishment for forgery)</td>
<td>SHO, Nayashahar Police Station.</td>
</tr>
</tbody>
</table>
Singh went into hiding and approached the Rajasthan High Court seeking probe in all the cases by an independent agency. The episode gained limelight in electronic as well as print media and the issue was also discussed in the State Assembly. On September 13, 2010, the court restrained his arrest and also directed the police to return the car and the house (Annexure 3.1). The cases are still pending in the court.

Ironically, the complainants claim that police have been favouring Goverdhan Singh by not taking concrete action against him. On the issue of registration of nine cases in a short span of time, Shantiprasad says it was only after he filed the first complaint that others got motivated and nine cases could be filed within 46 days.

Goverdhan Singh is now involved in another case, this time against the Rajasthan

---

Analysing victimisation of RTI applicants and strategies for their protection

Information Commissioners, who have been accused of criminal conspiracy and forgery by manipulating an earlier order to favour certain police officials. Singh claims that on February 22, 2011, while hearing the second appeal on his RTI application seeking documents related to the cases registered against him, the double bench of the then chief information commissioner M D Kaurani and information commissioner T Srinivasan had ordered disclosure of the information sought. However, the written order provided to him dated April 15, 2011, remanded the application back to the appellate authority. Singh claims to have procured both these orders bearing the same appeal number through RTI in a certified CD by the commission. He approached the sessions court besides writing to the State Governor (Annexure 3.2) and a case has now been registered with the ACB against eight officials including the present and previous chief information commissioners and two IPS officers.

However, during the inquiry, the ACB team was not provided certain documents by the commission citing Sections 21 and 23 of the RTI Act, 2005, which denies the power to initiate investigations against the chief information commissioner orders passed under the Act (Annexure 3.3). On this, the sessions court directed the ACB on July 5, 2012, to continue its probe by virtue of the powers vested in it under the Code of Criminal Procedure (CrPC), 1973.40 The inquiry is still on.

**Conclusion:** On personal observation it was noticed that Goverdhan Singh may not be as clean as he pretends to be. He has a good knowledge of the law and has supporting

---

documents to verify his claims, which is why even the High Court was compelled to restrain his arrest. Singh also seems to have good contacts with mediapersons which has helped him in times of need.

On the other hand, the complainants evidently tried to wrongfully exploit the law. More damning has been the role of Bikaner Police which overstepped its brief and seems to have colluded with the complainants to settle scores with Singh. District administration officials accept the fact that Singh has a better hand when it comes to understanding of the law. The ongoing case involving the state information commissioners is another proof that if the RTI user has good knowledge of the law and the administration set up, there is enough scope for him to deal with victimisation provided he is also ready to be patient with the legal and administrative process. One advantage Goverdhan Singh had was a good financial background which saw him sail through troubled times.

5.2 Gujarat

Located on western coast of India, Gujarat has an area of 196,030 square km with a population of 60,383,628, 57.4 per cent living in rural areas (2011 census). The state is a good industrial hub with some of the largest businesses in India.\(^{41}\) Literacy rate in Gujarat stands at 79.31 per cent of which, male literacy is 87.23 per cent while female literacy is 70.73 per cent.\(^{42}\)

Gujarat is one of the few states that took an early lead in 2005 to set up systems and procedures for implementing the RTI Act. Nevertheless, a widespread view persists

Analysing victimisation of RTI applicants and strategies for their protection among civil society that public authorities are lagging in terms of compliance with the requirements of the legislation.\textsuperscript{43} Gujarat Information Commission (GIC) has come up with some of the best rulings related to disclosure of information which among others include the decision to allow students access to their answersheets which was stayed by the High Court but later upheld by the Supreme Court,\textsuperscript{44} inclusion of PDS shops within the purview of RTI and allowing applications by differently-abled under the life and liberty clause.\textsuperscript{45} However, those working in the field claim that the transparency movement has only been restricted to issues of social welfare and being an industrial state, very little progress has been made in disclosure of information, which can be detrimental to corporate interests. RTI requests related to industrial subsidies, environmental issues and illegal mining are routinely denied and because of large pendency at the commission level, the complaints are not redressed properly.

In November 2010, Late RTI activist Amit Jethwa had filed a public interest litigation (PIL) in the Gujarat High Court as the pendency had increased to 8,000 appeals/complaints due to vacant posts of ICs. On intervention of the High Court, two additional ICs were appointed in March 2011. However, pendency is still a controversial issue in Gujarat. So far, 22,082 appeals and complaints have been received by the commission since the RTI came into being in 2005. While 13,078 cases were disposed of, 9,004 cases were pending as on December 31, 2011, which means a 40 per cent pendency rate.\textsuperscript{46}

\textsuperscript{46} Kapil Dave, Info panel to hold public hearings to clear RTI pleas, February 5, 2012, http://www.indianexpress.com
Analysing victimisation of RTI applicants and strategies for their protection

The latest move by the GIC to hold lok darbars (special public gatherings) through a special drive in all the districts of the state for speedy disposal of pending appeals was challenged in the court. The public gatherings were supposed to call upon the RTI applicants and concerned public information officers (PIO) in an attempt to resolve the issue on the same day. However, objections were raised against the process on the grounds that this would more likely lead to compromises instead of action against the PIOs. While hearing the PIL, the Gujarat High Court said since only those matters where the applicants or appellants agreed for settlement of dispute or were satisfied by the information supplied, were disposed of, there was no violation of the law. The court, however, ordered that at least two Additional Information Commissioners should be appointed temporarily in order to deal with the pendency (Annexure 3.4).

The performance of the GIC has been under scanner as the commission has only recently submitted first three of its annual reports for the years, 2005-06, 2006-07 and 2007-08 in the Gujarat Assembly. Though the delay in preparation and submission of annual reports has been attributed to lack of reliable data provided by various public authorities of the State, it also cast aspersions on the GIC's supervisory role. Gujarat is only second to Maharashtra in reported cases of murder, assault and harassment of RTI users. Around 20 such cases have come to notice through media reports and other sources in Gujarat since 2005.

5.2.1 Case study #4

Amit Jethwa, Khamba village, Amreli district

Khamba is a small village on the edge of Amreli district in the south east region of Gujarat. Proximity to the coastline and world famous Gir forest in neighbouring Junagarh district underscores the need for environment protection of the region. However, presence of minerals, especially limestone, in hills of the area attracts illegal miners thus leading to a tussle between those willing to protect nature and those wanting to make money out of it.

Murder of 34-year-old Amit Jethwa on July 20, 2010, was a result of this clash of interests. The brazen fatal attack, which came just a few months after the murder of Pune-based RTI activist Satish Shetty, highlighted the serious security threat RTI users face while trying to expose corruption. Jethwa was born in Khamba village and took up issues of environmental law and wildlife protection issues around Gir Sanctuary along with the community. Jethwa had also spearheaded a campaign against rising case pendency in the GIC due to lack of commissioners. It was in response to his petition filed in November 2009 that the state government appointed two new information commissioners. He also filed a writ petition in the HC and made the government accept Indian Postal Order (IPO) as one of the modes of payment to deposit fees for filing of RTI applications. However, it was his public interest litigation (PIL) against illegal mining that became the reason behind the murderous attack since many mining
companies in the region were sent notices and penalties were slapped on them.

Since 2008, Jethwa had filed six requests under the RTI Act, asking information related to the activities of an illegal mining lobby operating in the protected forest area just outside Gir forest. On June 28, 2010, he filed a PIL in the Gujarat High Court citing evidence found and praying to stop illegal mining within five kilometers radius from the boundary of Gir. In the same month, a raid was conducted by the police and geology departments, and a number of mining equipment were seized. However, the equipment was subsequently stolen back. Jethwa appealed that the matter be investigated by an independent ombudsman or Lokayukta, a constitutional position that had been lying vacant in Gujarat since 2003. He had moved court to seek a judicial order to the state government to fill this post.

The petition came up for hearing on July 6, 2010, and Amit Jethva filed a supplementary affidavit. He gave additional details regarding illegal mining and impleaded BJP MP Dinubhai Boghabhai Solanki and his nephew Pratap Alias Shiva Hamirbhai Solanki as respondent Nos. 9 and 10 in the said writ petition. The court issued notice to the newly impleaded parties. Categorical allegations had also been made against the Solankis in paragraph 2.29 at page 16 of the said writ petition with the details of their illegal activities of mining and stone crushing within five kilometers radius from the boundary of Gir Sanctuary.

However, Amit Jethwa was shot dead before the next date of hearing. His family members and friends allege that Jethwa was murdered on the behest of the MP and the state government is trying to shield him. The investigations into the murder were
transferred from Sola Police Station in Ahmedabad to the Crime Branch in August 2010. The police arrested constable Bahadursinh Dhirubhai Vadher, Sanjay Chauhan, Udaji Thakor and Pachan Shiva who was allegedly one of the hired killers. On September 6, 2010, they arrested Pratap alias Shiva Hamirbhai Solanki, nephew of Dinu Solanki. In November 2010, Mumbai police arrested Shailesh Pandya, who allegedly fired the shot.

In February 2012, the Gujarat Police Crime Branch gave a clean chit to Dinu Solanki in case claiming that Bahadursinh Dhirubhai Vadher conspired with Pratap alias Shiva Hamirbhai Solanki to eliminate Jethwa. The report says that Bahadur and one of his brothers had bought some land in the area in 2007 for mining purposes but due to Jethwa’s interventions against illegal mining, they suffered financial losses which is why they planned the attack. However, Jethwa’s lawyers submitted that the Gujarat government had prohibited mining within five kilometer periphery of Gir wild life sanctuary through a circular dated August 9, 2002, so there was no question of Bahadur and his brother purchasing the land for mining purposes in the area.

Jethwa's father, Bhikhubhai Jethwa, and lawyers sought an independent probe by the CBI claiming that no proper investigations had been made into Dinu Bogha Solanki’s movements, his telephone records and conversations with other accused. Anand Yagnik, advocate and friend of Amit Jethwa, gave a statement that Amit had met him a day before the murder expressing serious apprehension about threat to his life from the MP. In his statement submitted to the court, Dilipbhai Jinabhai Katariya, a colleague of Amit Jethwa in his NGO Gir Nature Youth Club, also claimed that Jethwa had been receiving threats from the MP for quite some time.
Analysing victimisation of RTI applicants and strategies for their protection

During 2007 legislative assembly election, Jethwa unsuccessfully contested election against Solanki. During campaigning, Solanki had allegedly threatened him with dire consequences if he did not withdraw his nomination. This was reported by Jethwa to the election officers. The threats allegedly continued when he started filing RTI applications to get information related to illegal mining. Dilipbhai has also submitted an affidavit in the court stating that a few days before his murder, Jethwa had told him that the threats from Dinu Solanki had increased particularly after filing of the PIL against illegal mining and the whole team needed to be careful.

Dilip also alleged that when he gave this statement to the police team investigating into the murder case, it was manipulated to convey that only he was threatened by Dinu Bogha Solanki in 2007. On September 25, 2012, the Gujarat High Court transferred the case to CBI observing that “Investigation into the murder of petitioner’s (Bhikha Jethwa) son does not appear to have been carried out in conformity with the legal provisions and the control exercised by one police officer of a very high rank.”50

Conclusion: This is the most high profile case in which the RTI user has been done to death and the main accused is a sitting Member of Parliament from the ruling party of the state. However, media coverage, pressure from civil society organisations and legal interventions have ensured the case is not easily brushed under the carpet. The legal struggle for independent probe into the whole incident has yielded good results and the case is expected to negate all political pressures against a fair probe.

5.2.2 Case study #5

Vishram Laxman Dodiya, Surat

Situated on the left bank of Tapti river, Surat is the fourth fastest growing city of the world. It is also known as diamond hub of India with third rank in cleanliness despite being India's 8th most populated city.

Vishram Laxman Dodiya was one of the 4.5 million inhabitants of the city eking out a living by selling pouches of drinking water and books on a footpath. Dodiya consistently used RTI to not only reveal irregularities in the system but also to press upon authorities for action against the culprits. On February 11, 2010, the 55-year-old vendor was done to death in a busy market area of Surat.

It was an illegal electricity connection in his neighbourhood that inspired Dodiya to file his first RTI application. Soon, he was taking Torrent power distribution company to task with various applications filed to procure information revealing irregularities. It seemed like he was determined to make utmost use of the RTI Act, filing applications with various public authorities including with the Surat Police seeking information on action taken against illegal liquor vends, gambling and encroachments. Those working with him say he had annoyed many with his relentless work to expose wrongdoings.

On February 11, 2010, he was called to a police station near his residence for a meeting with Torrent company officials to workout a compromise. Around 9 pm, when Dodiya started from his house after having dinner, he was attacked by four men with swords.
Analysing victimisation of RTI applicants and strategies for their protection

Police arrested three of them. While one of the accused, Bharat Bhanji Miadra, is son of a Torrent company employee, Prakash Keshav Rathore and Kalji Upepanya Baria have been accused of running illegal liquor business. Dodiya had been putting pressures on the police through his RTI applications to act against Rathore and Balye for flouting the law.

The three accused were later acquitted by the court on the basis of lack of evidence. Not only the witnesses turned hostile, the circumstantial evidence was also found weak. Prosecution lawyer Kalpesh Desai claims that Vishram Dodiya's elder son, who was the petitioner in the case, reached a compromise with the accused. This fact was also corroborated by Dodiya's younger son, Girish Vishram Dodiya, and wife Jasuben. In the whole case, the role of Surat Police remains suspicious. No protection to eye witnesses and lack of circumstantial evidence are cited as main reason for acquittal of the accused. The fact that the slain activist had to use RTI to compel the police act against the violators time and again points to the fact that the police personnel were not willing to follow the call of duty on their own and may have been part of the illegal nexus.

sayeedapura

Chowkbazar police station

Conclusion: Though this case was highlighted in the local media extensively, it held little promise for the family of the victim, who are not only financially weak but also have little knowledge of the legal process. There is no support whatsoever from the civil society organisations. The suspicious role of the police underscores the fact that in such cases probe should be done by an independent, external agency.
5.2.3 Case study #6
Satishbhai Rana, Alina village, Kheda district

Alina is a small village with a population of 13,500 near the famous Hindu pilgrimage town of Dakor in Kheda district of Gujarat. The village sarpanch Geetabein Bhojani and her father-in-law Nattubhai Bhojani have been battling allegations of corruption and highhandedness from Satishbhai Rana, a 42-year-old cutlery merchant of the village. It was in July 2007 that Rana filed an RTI application with the panchayat asking for information related to cutting of 167 trees in the village. The application included point-wise questions on which rules were followed, permissions taken before felling of the trees and in which account the money earned from selling the trees had been deposited.

However, it was only after he appealed to the taluka (tehsil) development officer (first appellate authority) that the panchayat gave him the information which revealed that the permission for cutting the trees had been taken only after they were felled. In addition, there was no account of the money generated through sale of trees. Armed with this information, he complained to the district magistrate and district development officer.

The taluka development officer and mamlatdar (tehsildar) were marked the inquiry into the allegations but before any action could be taken, sarpanch's father-in-law and his accomplices allegedly abducted Rana on September 19, 2007, from outside the mamlatdar's office. He was taken to a secluded place and mercilessly beaten up. On
regaining consciousness, Rana managed to reach nearby civil hospital by taking lift in a state transport bus. Though the FIR (Annexure 3.5) was registered on the same day, the police claimed that the accused were untraceable. After recovering from the injuries, Rana gave a representation to the district collector threatening to stage a half nude protest followed by hunger strike. Upon this, orders were passed for swift action by the police and all the seven accused were arrested on charges of abduction and attempt to murder, three months after the FIR was registered. The criminal case is still on in the court. Regarding the felling of trees, sarpanch and talati were fined Rs 2.72 lakh by the mamlatdar but the case is still pending after the sarpanch appealed against the order.
Analysing victimisation of RTI applicants and strategies for their protection

*Figure 3*  
Satishbhai Rana was mercilessly beaten up for asking information about cutting of trees.

**Conclusion:** It's a long pending case in which action was taken by the police only after Rana threatened to stage a half nude protest and hunger strike. Though it may seem like the last resort to many, such an ultimatum may not always work.
5.3 MAGP's RTI helpline

Mahiti Adhikar Gujarat Pahel (MAGP) has been running an RTI helpline since May 12, 2006 which gets around 1,400 calls per month on average basis. Besides the initial publicity done through media, network of civil society organisations and workshops, the helpline number also gets published every day in a local vernacular daily. The helpline's popularity has spread beyond the geographical boundaries of Gujarat with calls also being registered from the states of Uttar Pradesh, Bihar, Chattisgarh, Rajasthan and Madhya Pradesh.

Besides the guidance about procedures to access the information under the RTI Act, the helpline also assists those RTI users who face victimisation from vested interests. Of the total calls it receives every month, around 7-8 relate to victimisation. The helpline follows a set procedure not only to verify the authenticity of the caller but also to ensure quick action by the security agencies. The genuineness of the RTI user is judged by the information asked. If it relates to a public cause, women or child issues, human rights violations or the applicant belongs to economically or socially backward sections of the society, they are provided assistance. Many a times, the user is engaged with the helpline since the time he/she decided to file the application, which also lends credibility to his actions.

Adequate caution is taken and the caller is asked to file a complaint with the local police station as soon as possible and fax a copy of the complaint. However, it's not always possible for the caller to access a fax service, in which case the complaint is voice recorded over the phone. In case the complaint is not accepted by the police, this is also
Analysing victimisation of RTI applicants and strategies for their protection

mentioned in the voice recorded version which is transcribed for further correspondence with the authorities. The complaint on MAGP's behalf is faxed to the local police station and the offices of area DSP, district collector and district magistrate. In addition, the helpline staff tries to contact these officials through telephone seeking immediate protection for the user.

Action is also initiated at the administrative level. Once the FIR is filed, its copy along with the complaint is sent to the GIC and the department to which the information sought is concerned seeking proactive disclosure under Section 4 of the RTI Act. The GIC is also actively involved in building pressure on the authorities by seeking action against the vested interests and ensuring transparency in service delivery. In some emergency cases, GIC is approached immediately after an SOS call is received for swift action. Here are some case studies of the helpline:

5.3.1 Case study #7

**Bharatbhai Gughal and Bhanjibhai Jogal, Dhank village, Rajkot district**

Dhank is a small village on south west border of Rajkot district in Gujarat with a population of around 7,014, including 3,425 women and 3,589 men. Soothed by breeze from the Arabian sea, the settlement is surrounded by agricultural fields and barricaded on the south by wooded hills. However, what seems like an idyllic setting has fault lines running underneath. There is an unspoken division within the village, between those who indulge in corrupt means and those who complain against them. At the centre of this conflict are irregularities found in allotment of free houses meant for underprivileged families of the village.
Bharatbhai Gughal (36) and Bhanjibhai Jogal (47) are two daily wage labourers who have been using the RTI Act to procure information related to this corruption. But their struggle is not without the dangers. On March 5, 2011, village sarpanch allegedly slapped and threatened the duo with dire consequences if they complain about the allotment process during an ongoing inquiry.

It was in 2010 that Gughal and Jogal observed that well-to-do people owning large properties were getting the houses meant for below poverty line persons. They, joined by four others, decided to raise the issue first through official representations. Their first step was to file a joint complaint to the Taluka (Tehsil) Development Officer (TDO) on March 30, 2010, seeking an inquiry into the matter. Getting no response from the administration, they armed themselves with knowledge about the RTI Act, which they had heard was bringing about transparency in governance.

On June 16, 2010, they filed separate RTI applications regarding allotment of houses under three housing schemes for the underprivileged, Indira Awas Yojna, Ambedkar Awas Yojna and Sardar Awas Yojna, in their village since 1997. The information they got was only related to the Indira Awas Yojna and that too just for the year 2009-10. However, even this comparatively little information revealed that irregularities had been made in allotment of 22 houses. Many of the allottees already owned houses and agricultural fields while in some cases, both the husband and wife had got a house each. Many of the allottees just refurbished their old houses passing them off as the new houses constructed under the scheme and pocketing the grant. On September 20, 2010, the complainants wrote to the state vigilance commission, GIC and Panchayats, Rural
Analysing victimisation of RTI applicants and strategies for their protection

Housing and Rural Development department of the state government citing these irregularities. After much persuasion, an inquiry team from the office of TDO visited the village on January 4, 2011. However, suspecting that no action will be taken on the issue, the complainants asked for inquiry by the district development officer (DDO). On March 5, 2011, an inquiry team from the DDO office came. While the inquiry was on, the sarpanch allegedly slapped Bhanjibhai and threatened others with dire consequences if they gave statements before the inquiry team.

Fearing for their physical security, Bharatbhai and Bhanjibhai remained confined in their houses. Though there is an outstation police post at Dhank village, it remains locked most of the time. Telephone calls to the police station in neighbouring Bhayavadar village yielded no response upon which they approached the RTI helpline run by MAGP. Their complaint was voice recorded and MAGP contacted the area DSP over the phone. The DSP, who was attending an official function at that time, refused to accept the complaint saying he would rather trust his own system rather than an NGO. Since it was crucial to provide the security immediately, MAGP faxed the complaint to his office and also released the information to the mediapersons, asking them to contact the DSP for official version. The strategy worked and fearing criticism in the media, the officer asked the police station incharge (PSI) of Bhayavadar police station to look into the matter. The district collector and district magistrate was also informed about the incident over the phone and through faxed complaint. The collector in turn directed the mamlatdar (tehsildar), Upleta, and the PSI to look into the matter.

Soon, the police team arrived and took the complainants with them. The accused, including the sarpanch and two of his supporters, were also called to the police station.
Analysing victimisation of RTI applicants and strategies for their protection

The three accused were charged under Section 323 (voluntary causing hurt), 504 (intentional insult to provoke breach of peace), 506 (criminal intimidation) and 114 (abetment) of the IPC. Later, MAGP also faxed the complaint along with a copy of the FIR with details to the Gujarat Information Commission (GIC). Chief Information Commissioner wrote to the district collector and district magistrate (Annexure 3.6) while Deputy Secretary of GIC wrote to the area DSP on March 8, 2012, seeking impartial probe into the allegations of corruption (Annexure 3.7). This consistent effort on the part of MAGP helped sustain the pressure on the authorities.

Figure 4 Bharatbhai (left) and Bhanjibhai at Dhank village in Gujarat.

85
The inquiry into the corruption was conducted again on March 23, 2011, and the allegations regarding irregularities in allotment of 22 houses was found to be correct. The DDO issued show cause notices to the sarpanch, TDO, and seven other taluka-level administrative officers. An inquiry by vigilance commission into the embezzlement is still on. However, the security threat has not been totally neutralised. The RTI applicants are still getting indirect threats from the sarpanch and his supporters, but since the issue is in the limelight, the danger is not as imminent.

Bharatbhai Ghughal, Bhanjibhai Jogel, Naranbhai Varagiya and Govind Gangera sat on a six-day Satyagraha at Rajkot district headquarters to seek action against the accused. Though the effort was highlighted in the media, the district development officer only gave verbal assurances on the demands.

5.3.2 Case study #8

Bhadresh Vamja, Saldi village, Amreli district

Saldi is a small village in Amreli district of Gujarat with a population of 9,000. What sets this village apart from other settlements is substantial awareness and use of the RTI Act. Villagers regularly questioning public authorities about expenditure and procedures regarding various social welfare schemes. All this was made possible by a simple college-going boy who decided to keep checks on distribution of ration through a fair price shop of the village.

It was in January 2011 that Bhadresh Vamja (19) got to know from a friend about
Analysing victimisation of RTI applicants and strategies for their protection

unavailability of ration through public distribution system (PDS) in the village. Further inquiry revealed that none of the below poverty line (BPL) and above poverty line (APL) ration card holders were getting the allocated supply and owner of the fair price shop was allegedly selling the supplies in black market. On being questioned, he claimed there had been no supply from the government's end. Though he was not a ration card holder, Bhadresh decided to take up the cudgels for the whole village and wrote a complaint to the taluka mamlatdar (tehsildar) on January 27, 2011, with 13 ration card holders as co-signatories.

On getting no response from the authorities, he decided to file his first RTI on February 11, 2011, with the mamlatdar office asking for the action taken on the joint complaint filed earlier. The application had point wise questions on why no inspection of stock had been conducted till now, details of work which was keeping the officials busy and expected timeline for action on the complaint. Details of ration supply and distribution to beneficiaries in last six months was also sought. Though mamlatdar forwarded the application to the shopkeeper ordering him to disclose the details, only partial information was given. The mamlatdar also promised Bhadresh that he would visit the village soon. When the inspection team came, it was found that none of the 13 beneficiary complainants had got the ration from the shop except kerosene even though 14,000 kg of grain per month had been supplied to the shop. The officials also issued a panchnama with details about the stock lying in the shop.

Meanwhile, MAGP was pursuing the matter of access to records of PDS shops with GIC. The Gujarat Chief Information Commissioner Mr R N Das wrote a letter to the Secretary, Food, Civil Supplies and Consumer Affairs Department, asking for specific
directions to the concerned public authorities for proactive disclosure of PDS-related information under Section 4(1)(b) of the RTI Act (Annexure 3.8). Upon this, the Food, Civil Supplies and Consumer Affairs Department issued a circular dated March 4, 2011, directing all mamlatdars and fair price shop licensees in the state to proactively disclose ration supply information on the walls of fair price shops as well as at the taluka (tehsil) level (Annexure 3.9). Twelve categories of information, including shopkeeper's name, licence number, shop timings, allocations to APL and BPL card owners, rate of various commodities under the PDS, stock register and complaint register have to be prominently displayed outside the fair price shops.

On the other hand, Bhadresh's struggle for information was on. Even after 15 days of the physical inquiry by the mamlatdar, no action had been taken. When asked, the mamlatdar told Bhadresh that the inquiry report had been sent to the District Supply Officer (DSO). Bhadresh also found that most members of the vigilance committee of the village, which is supposed to certify arrival of the stock, were not aware that they were in the committee. The two members, who used to verify the arrival, were supporters of the shopkeeper. On March 1, 2011, Bhadresh filed another RTI, this time with the DSO, seeking a certified copy of the inquiry report and the date by which the complainants will receive their allocations. The RTI also included questions about the rules and procedures for constitution of a vigilance committee.

On this, the shopkeeper started sending threatening messages to Bhadresh through common friends on March 17, 2011. He also tried to convince the 13 beneficiaries to give statements against Bhadresh by promising them more than their share of ration. However, they did not budge from their stand. On learning about the threat, Bhadresh's
parents told him to leave the matter and focus on his studies. In Bhadresh's own words, “It was a very difficult time as it seemed like I am alone in this fight. Then a saying I had heard somewhere came to me 'The real youth is one who finishes a task once taken up.'”

Bhadresh decided to contact MAGP's helpline. Pankti Jog of MAGP voice recorded his complaint which was faxed to the area DSP's office who was also contacted over the phone. Late in the evening of the same day, Bhadresh got a call from the incharge, Liliya police station, offering protection during the night and asking him to reach the police station the next day and register his complaint. The shopkeeper was also called to the police station and he had to give an undertaking that he would not threaten Bhadresh again and if any physical attack takes place in next six months, he would be held responsible.
At Saldi village, now everybody gets the allocated ration on time without any irregularity. Bhadresh and his friends have started a weekend RTI clinic in the village and also disseminate information about the rights of residents under various welfare schemes.
5.3.3 Case study #9
Michael Martin and Bhanu Parmar, Anand district, Gujarat

Rogi Kalyan Samiti is a health scheme operational in Gujarat in 2006 to provide free treatment and medicines to poor patients at government hospitals and health centres. However, there have been several allegations of misappropriation of funds under this scheme.\(^{51}\) Michael Martin and Bhanu Parmar, both members of a non-profit organisation, Healing Touch, decided to scrutinise the utilisation of funds under this scheme at a primary health centre (PHC) based in Rohini village of Anand district.

Martin and Parmar had earlier used the RTI Act to prove discrepancies in implementation of various welfare schemes, including the Cheeranjeevi Scheme for maternal health care and relief scheme for residents of villages which get routinely inundated during monsoons. They chose to question the utilisation of funds at Rohini village PHC because they had found the PHC’s medical officer (MO) guilty of charging money from poor patients who were entitled for free treatment. The incident had been video recorded and presented to the area police upon which the MO had apologised and returned the collected money. Instead of seeking any particular information, Martin asked for inspection of records and physical verification of medicines supplied under the Rogi Kalyan Samiti through an RTI application filed on January 4, 2011. On receiving no reply, a first appeal was filed on March 17, 2011, with the chief district health officer (CDHO). During the hearing of the first appeal, the CDHO ordered the MO, who was also the PIO under RTI Act, to permit the inspection of the records and medicine supplies on April 20, 2011 (Annexure 4.1). Martin and Parmar inspected the records on

the given date but because of large volume of the documents, they could not complete the work and decided to resume the inspection on April 27. On the given date, they were refused further inspection and the MO called around 30 villagers claiming that Martin and Parmar were blackmailing him and he might be forced to quit the posting which would be detrimental for the village. The villagers threatened Martin and Parmar, who were forced to lock themselves in a room of the PHC to avoid assault.

From the room, they called upon the area DSP but on getting no positive response, they contacted the MAGP helpline. The helpline staff voice recorded, transcribed and forwarded their complaint to the GIC. The staff also called upon the area DSP, the local Khambak rural police station as well as the MO, informing him that being the PIO under the RTI Act, physical safety of information seekers was his responsibility. After an hour, the police team arrived and the inspection was completed under police protection. On written complaint of Martin and Parmar, three persons including the medical officer were arrested under Section 151 of the CrPC (arrest to prevent commission of cognizable offence). The case of corruption against the medical officer is pending with the state health commission.
Conclusion: These three cases studies underscore the point that even an informal helpline can make a tremendous impact in protecting the RTI users from possible physical assaults. Adoption of this best practice by the state governments or by the state information commissions can go a long way in ensuring that seeking accountability from public authorities is not a dangerous business.
5.3.4 Lessons drawn from MAGP's helpline

- The way you approach the system matters. If documentation is done properly, action by authorities is swift. The MAGP helpline records and transcribes the complaint besides asking the user to fax the FIR, which makes it a well documented case to be taken up with the authorities concerned.

- Right to information is not a stand alone law. Depending on the information sought, other laws can also be invoked to ensure protection of users. For instance, if the information sought relates to issues of a minor, the Juvenile Justice Board can be approached for action. This also conveys the fact that those seeking protection are not asking for favours but working within the law.

- MAGP has used pressure calls effectively especially in case of Bharatbhai and Bhanjibhai. Since the area DSP was not willing to believe the helpline staff, media's assistance was taken to ensure action. Calls from different sources can also help press upon the urgency of the issue.

- Even minor threats need to be reported to the police which will act as a warning against any possible full blown assault.

- Community support is most important since those living close can provide more efficient and quicker security assurance than police. In Bhadresh's case, the support of co-complainants was crucial in building his confidence.
5.3.5 Limitations of the helpline

There are certain limitations with the MAGP helpline which need to be rectified to make it more effective.

- Many a times a caller is unable to fax a copy of the police complaint or FIR to the helpline. There are chances that the caller is not genuine and may not have approached the police. This limitation can be dealt with by contacting the concerned police station and verifying if the caller had actually filed the complaint.

- Most of the cases where the GIC took up the cause of protection of RTI users belong to the tenure of former chief information commissioner Mr R N Das who retired on July 6, 2011. How the commission will now respond to similar requests is yet to be seen but MAGP confirms that the current chief commissioner Mr D Rajagopalan has promised full support to whistleblowers. However, when contacted, one of the information commissioners Mr A J Shukla was ignorant about the initiatives taken by the GIC in collaboration with MAGP. Therefore, it's pertinent that past best practices by the commission is properly documented in its annual reports and dispersed among the staff as well as the general public.
Summary: Most of the victims have weak educational and financial background while the accused are invariably affluent persons. Corruption in social welfare schemes, damage to environment and misuse of official position are the issues raised by most of the RTI users who were victimised. Of all the nine cases, justice has been done in only one case. While RTI users most often find themselves fighting the battle alone, the assistance from civil society organisations or community at large can go a long way in ensuring protection from harassment.

The next chapter will involve discussion of the findings and conclusions.
Chapter 6 Discussion and Conclusion

In this chapter lessons learned from the study findings will be discussed and conclusions will be drawn on the research topic. The chapter will also outline the objectives of research, methodology used and selection of case studies in brief. In addition, limitations of research and scope for further research will also be detailed.

6.1 Objectives of research and methodology

This research study was conducted to analyse cases of victimisation of RTI applicants and strategies for their protection. While the RTI Act has ensured a substantial positive change in government functioning, it has not been a cakewalk for the users who have regularly been victimised for exposing wrongdoings in public offices. The study verified such cases of victimisation, analysed the details and looked into shortcomings (if any) in the present system which need to be attended to.

The study was qualitative research and the target population was all the RTI users within the geographical boundaries of Rajasthan and Gujarat who have been victimised for seeking revealing information. Snowball sampling method was used to get details of such users from those working in the field as well as from media reports. Judgement sampling method was also used since the sample had been selected based on the judgement about some appropriate characteristics required of the sample member.

For the research study, the sample was selected only after verification that use of Right
To Information was the reason for the alleged harassment. Authenticity of these cases was verified through exhaustive interviews with the people and officials involved besides analysis of official documents.

6.2 Limitations of research

This research study has been limited in scope due to various reasons. Lack of any previous systematic study on this topic prevented any comparative analysis with already-known results. The access to certain people and organisations was denied or remained limited despite repeated attempts. Though the case studies were investigated, the researcher did not hold any legal or quasi judicial powers to call for submission of documentary evidence or individual statements. A few of the documents related to certain case studies could not be accessed even through filing of applications under the RTI Act within the research period.

It was observed that the victims or RTI users were invariably much more willing to share details than the accused and the administrative officers involved in the case, which may have influenced the findings inadvertently. Since self-reported data has also been relied upon, selective memory, telescoping, wrong attributions and exaggerations could have crept in but utmost care has been taken to verify the details more than once. Among the two states, Gujarat was more difficult to explore due to linguistic barriers especially in written language.
6.3 Scope of further research

Further research can be conducted on this research topic with expansion of field area beyond Rajasthan and Gujarat. The impact of RTI helpline being run by the Bihar government can be studied and compared with other informal set ups. Threat perception of RTI users as well as general public related to whistleblowing and RTI usage can be measured to analyse the law and order situations in various states. Response of security agencies towards protection of RTI users can also be studied separately.

6.4 Discussion

RTI Act has emerged as a powerful tool to ensure accountability and transparency in governance. In India, financial and political status weighs heavy in public dealings and preferential treatment on caste and religious lines is also evident, especially in rural areas. Being a legislation deeply rooted in the Constitutional tenement of equality, the RTI Act is striking at this deep-rooted power dynamics. The resistance to this corrective process is not only on expected lines but also bound to grow more vociferous with further increase in awareness and usage of the transparency law. This is why it's imperative to ensure a protective mechanism at the earliest.
Analysing victimisation of RTI applicants and strategies for their protection

6.5 Some important findings:

- RTI has empowered the citizens who always had the rights but no definite tool to question the authorities.
- RTI users are at increased risk of threats, attacks and other methods of victimisation especially if they belong to economically and socially weaker sections.
- Most cases of victimisation involve information related to issues of larger public interest including corruption in social welfare schemes, damage to environment and misuse of official position.
- Officials at public authorities are mostly hand-in-glove with private vested interests in abetting corruption and thus can go to any length to avoid transparency, even if it means victimisation of RTI users.
- Registration of false cases, accusations of blackmailing and other means to harass RTI users are routinely exercised by vested interests.
- Physical attacks are usually the last resort after all other alternatives including bribery and threats are exhausted.
- Reporting minor threats can help avoid their escalation into physical attacks.
- Victimisation of RTI users is easier in rural areas due to physical proximity with the accused and remoteness from police, media and civil society groups. On the other hand, it's easier to garner community support in rural areas because of small and known set ups.
- Proper documentation and knowledge of the administrative and legal set up can ensure quick protective action from police and other authorities.
6.6 Recommendations

Here are certain recommendations for various stakeholders based on findings of the research:

6.6.1 Lessons for authorities

- Ensure implementation of Section 4(1) of the RTI Act on proactive disclosure. According to this clause not only the records should be duly catalogued and indexed, the public authorities should provide as much information suo motu to the public at regular intervals through various means of communications, including Internet. RTI Act should be amended to include a provision of penalty on public authorities not implementing this clause.
- Quick action to complaints of victimisation of RTI users is required from the police. It should be specifically mentioned in the FIR that RTI usage was the reason for the victimisation to avoid the case being clubbed with other routine incidents of enmity. A senior police official of the rank of Deputy Superintendent of Police or Assistant Commissioner of Police should personally monitor the investigations. If proven guilty, trial of the accused should be put on fast track.
- When the information sought relates to police, the probe into allegations of victimisation should be done by an external/independent agency.
- If accusations are made against an RTI user, the case should be filed only after proper verification so that reactionary smear campaigns are avoided.
Analysing victimisation of RTI applicants and strategies for their protection

- Unless proven contrary, concerned public information officers, first appellate authorities and those officials directly linked to the information sought should be presumed to have abetted the offence.
- NHRC and SHRCs should be formally involved in the process since RTI users also fall in the category of human rights defenders.
- The respective information commissions should write to the concerned area police station requesting quick action and also monitor the progress in the case. The department to which the information sought pertains should be asked to ensure suo motu disclosure of the information.
- Information commissions or state governments can set up a helpline for RTI users on the lines of MAGP's service. Formal collaborations with civil society organisations can also be entered into for the same purpose.
- Keep the complainant informed about the progress of investigation.

6.6.2 Lessons for RTI users

- It's pertinent to engage the community in the work. This will not only ensure protection from vested interests but also lend credibility to the efforts.
- Be in touch with civil society organisations and mediapersons. Release the information to public as soon as possible to avoid victimisation.
- If there is a possibility of victimisation, have more than one person file the same RTI application to divert attention. A friend based in another faraway location can also be asked to file the RTI application on your behalf.
- In case of threat or assault, immediately contact the local police station and obtain
Analysing victimisation of RTI applicants and strategies for their protection

- a copy of the FIR or DDR. File a formal complaint with the respective information commission, area DSP and the department to which the information pertains with copies of relevant documents through fax or speed post.
- SOS calls by different sources to the security agencies for help can press upon the urgency of the issue.
- Right to information is not a stand alone law. Depending on the information sought, other laws can also be invoked to ensure protection. For instance, if the information sought relates to issues of a minor, the Juvenile Justice Board can be approached for action. This also conveys the fact that those seeking protection are not seeking any extra-judicial favours but working within the established system.

Summary: Victimisation of RTI users can be prevented by ensuring implementation of Section 4(1) of the RTI Act on proactive disclosure thus reducing the need to file RTI applications. Involvement of human rights commissions and proactive approach of concerned information commissions can lead to quick action. A helpline for RTI users with involvement of Information commissions and civil society organisations is another good option. RTI users should take precautions by engaging the whole community in their work, keeping civil society organisations and mediapersons in the loop and by releasing the procured information to public as soon as possible. Having more than one person file the same RTI application or having a proxy applicant from another location also work well.
Analysing victimisation of RTI applicants and strategies for their protection

BIBLIOGRAPHY

− Baisakh, Pradeep. Right to information and rural development. Kurukshtetra, 53(8), July 2005, p. 4-8
− Jetkins, Rob and Anne Marie, Goetz. Accounts and accountability: theoretical
Analysing victimisation of RTI applicants and strategies for their protection

Annexure
Minutes of the Meeting of the Commission held on 13.9.2011

Present:
A. Shri Satyananda Mishra, Chief Information Commissioner
B. Smt. Annapurna Dixit, Information Commissioner
C. Shri. M.L. Sharma, Information Commissioner
D. Shri. Shailesh Gandhi, Information Commissioner
E. Shri B.B. Srivastava, Secretary and other officers assisted the Commission.

Agenda-1: A draft resolution in the wake of surge in attack on the RTI activist circulated by IC(SG).

The Central Information Commission expresses regret and takes note of the reported killings of and assault on the RTI users across the country. The Commission underlines the need to take urgent steps by the respective Governments for the safety and protection of the RTI users. The Commission strongly believes that it is the duty and responsibility of the respective Governments to safeguard the life and liberty of the RTI users for which purpose they should invoke the relevant penal provisions for the prevention and detection of such heinous crimes.

2. This Commission, therefore, resolves that if it receives a complaint regarding assault or murder of an information seeker, it will examine the pending RTI applications of the victim and order the concerned Department(s) to publish the requested information suo motu on their website as per the provisions of law.

3. This Commission also resolves that it will take proactive steps in ascertaining the status of investigations/prosecutions of the cases involving information seekers and endeavor to have these processes expedited.


The Commission noted the progress on the forthcoming Convention.
Police Circular in English & Marathi (No. 21 / Po Aa / Swiya / Jan / 2010) issued by Mumbai Police Commissioner D Shivanandan, dated 18.1.2010, directing all Police Stations to promptly take cognizance of complaints lodged by activists and concerned citizens.

Annexure 1.2 Circular issued by Mumbai Police Commissioner

Immediately on receipt of such complaint the Duty Officer will inform the in-charge of the Police Station i.e. Sr. Inspector of Police and will immediately register the complaint as Non Cognizable or F.I.R. depending on the facts or circumstances of the case. If the facts disclose neither a F.I.R. nor a N.C. the activist will be informed so in writing.

Sr.P.I. of that Police Station will personally monitor the enquiry of complaint / investigation of the case. In appropriate cases he may also investigate N.C. offences with the prior permission of the Court.
3. केवल तालकार्य अटक करने आवश्यक उत्तरोत्तर तेजी से तालकार्य करावी. कर्ता कारोबारी अधिकारी पैमाने प्रत्येक पैमाने तयार व चीकरारी करण्यात येईल.

Where immediate arrests are called for, they shall be expeditiously made. All elements and angles of conspiracy will also be investigated or enquired.

4. आश्वासनामयक संवेदन संपादन करण्यात यायां. संबंधित विभागीय सहाय्यक पोलीस आयुक्तानी पेक्षा तपासावर वैश्विकता देखील करायली.

Investigation in such cases will be expeditiously made. Assistant Commissioner of Police of concerned division also shall personally monitor the investigation.

5. आवश्यकतामय पौधा उपहार राजीव संहितेच्या कलम १०७, ११०, १५४, १५९(३)

Preventive action u/s 107, 110, 151, 151(3) of Cr.P.C. also u/s 55, 56, 57 of B.P. Act and M.P.D.A. will be resorted to wherever required.

6. कार्यकर्तांकित पौधा संवेदनानी गमणी करण्यात आहेत, तर तालकार्य तया कार्यकर्तांकित पौधा संवेदनानी गमणी करण्यात आहेत.

Where a request for protection is made by the activist a Threat Perception Report will be immediately prepared and submitted through proper channel to the Commissioner of Police, Mumbai for decision in this regard.

In appropriate cases inputs from the Crime Branch will also be taken in preparation of T.P.R.
Local activists working in various public causes will be inducted into the Police - Public coordination committee at the police station level to ensure better coordination and to immediately redress local issues.

Zonal Deputy Commissioners of Police and Regional Additional Commissioners of Police will periodically review investigation / preventive action in such cases and issues related to security of activists.

Sadar Gyanalaye karishmati paalana hoon samaj va deshavadi aatmaantma karyakritiyon ko skhetma ke kuchrahi hoonar nahi yadi sabhini dhunta vyavah.

Prat gahitii va achint karyaabhi karitaa :-

1. Sarv saah pohlii Aayukt, Mumbaai.
2. Sarv apar pohlii Aayukt, Mumbaai.
3. Sarv pohlii up Aayukt, Mumbaai.
4. Sarv Sahayak pohlii Aayukt, Mumbaai.
5. Sarv varshyad pohlii Nirikshak, Mumbaai.
G R Vora’s remarks in brackets contrast this pious-sounding circular with the hard realities prevailing today

The initial paragraph in Marathi, which is not translated in English, directs all concerned officers to take cognizance of the complaints lodged by activists.

Para 1. Immediately on receipt of such complaint the Duty Officer will inform the in-charge of the Police Station i.e., Senior Inspector of Police and will immediately register the complaint as Non Cognizable or F.I.R. depending on the facts or circumstances of the case. If the facts disclose neither a F.I.R. nor a N.C. the activist will be informed so in writing. (This never happens. The Duty Officer tries his best to shoo away the activist or at best would lodge an N.C. on which no action is ever taken.)

Para 2. Sr. P.I. of that Police Station will personally monitor the enquiry of complaint / investigation of the case. In appropriate cases he may also investigate N.C. offenses with the prior permission of the Court. (The Senior P I rarely monitors / investigates the case. The activists never know what has happened to their complaints of threat, assault, or intimidation).

Para 3. Where immediately arrests are called for, they shall be expeditiously made. All elements and angles of conspiracy will also be investigated or enquired. (Leave alone arrests, even proper investigations are not done. The accused persons pointed out by the activists may never be summoned for taking their statement. Months and years may pass before they are interrogated, if at all that ever happens.)

Para 4. Investigation in such cases will be expeditiously made. Assistant Commissioner of Police of concerned division also shall personally monitor the investigation. (One wonders whether the ACP ever monitors the investigations done by his subordinates.)

Para 5. Preventive action u/s 107, 110, 151, 151 (3) of Cr. P.C. also u/s 55, 56, 57 of B.P. Act and M.P.D.A. will be resorted to wherever required. (This is unheard of till now.)

Para 6. Where a request for protection is made by an activist a Threat Perception Report will be immediately prepared and submitted through proper channel to the Commissioner of Police, Mumbai for decision in this regard. (Has TPR ever been done for any activist? This is news to us). In appropriate cases inputs from the Crime Branch will also be taken in preparation of T.P.R.

Para 7. Local activists working in various public causes will be inducted into the Police – Public coordination committee at the police station level to ensure better coordination and to immediately redress local issues. (Most of the times, the Sr PI, ACPs and DCPs avoid having collective meetings with local activists. They make excuses to avoid having such meetings. If this point is taken seriously, then there would be less crime and law & order problems in the city, as activists are well aware of the source of nuisance or illegalities.)

Para 8. Zonal Deputy Commissioners of Police and Regional Additional Commissioners of Police will periodically review investigation / preventive action in such cases and issues related to security of activists. (Wonder whether it is ever done!)

The last para, which is not translated in English, asks the police to follow the above directions rigourously, so that activists working for society and for the country can do so without threat and fear.

C.C. for information and appropriate action to : (a) All Saha Police Aayukta, Mumbai (b) All Apar Police Aayukta, Mumbai (c) All Police Upa Aayukta, Mumbai (d) All Sahayak Police Aayukta, Mumbai (e) All Varishtha Police Nirikshak, Mumbai.
To
Shri Prithviraj Chavan,
Chief Minister of Maharashtra,
Mantralaya, 6th Floor,
Madame Cama Road,
Mumbai 400032

Sub: Immediate steps needed to prevent attacks on Activists & restore Rule of Law

Sir,

The New Year has started inauspiciously for RTI activists of Maharashtra. On Sunday, January 2, two RTI activists were brutally attacked in Mumbai (Bhandup) and Pune (Talegaon) on Sunday. The finger of suspicion points towards powerful politicians and concessionaires of large government contracts:

- **In Bhandup, Yashwant Gavand** was attacked by about 30 persons connected to the local Shiv Sena Corporator Suresh Shinde. We learn that Mr Gavand had successfully exposed, through RTI, several assets that were not declared to the Election Commission in the last election, including a 4,000 square-metre plot.

- **In Talegaon, Arun Mane** – an associate of the slain activist Satish Shetty -- was attacked with a sharp instrument, and warned to stay away from the Shetty murder case. We are told that he was investigating matters connected with toll-tax collection and real-estate agents IRB Infrastructure Developers, believed to be involved in the Shetty murder.

Last year, there were 11 attacks on activists in various parts of Maharashtra, and five of them were fatal. Our state was the leading state in attacks on activists, accounting for 50% of such attacks nationwide. Appended at the end of this letter is a tally of attacks on activists in 2010, all of which remain unsolved cases in the police registers.

After every attack and murder, the state administration’s standard reply is, “Matter is under investigation. We will find the culprits.” That is eyewash, because the top brass knows exactly what is going on: an innocent citizen blew the whistle on the rackets run by politically-connected people, and they bumped him off.

Sir, last year, soon after the Shetty murder, Mumbai’s Police Commissioner issued a circular for protection of Activists. This was closely followed by a GR issued by Govt. of Maharashtra. It suggested several measures, including a mandate to promptly register FIRs in response to complaint by activists. Please read these documents:

Annexure 1.3 Letter by RTI activists to Maharashtra CM
a) Police Commissioner’s Circular: [http://tinyurl.com/CPcircular1](http://tinyurl.com/CPcircular1)

b) Maharashtra GR on protection to Activists: [http://tinyurl.com/MahaGR1](http://tinyurl.com/MahaGR1)

However, our common experience as activists and civil society is that these circulars were not implemented at all; these circulars were nothing but a damage-control exercise of the government, drafted for the benefit of the press.

What you must do to ensure Rule of Law in Maharashtra

I. **Propose 6-month deadline for the disclosure of assets and sources of income of politicians, bureaucrats, judges & their family members.**

Please make necessary laws and rules to ensure that MLAs, MPs, Municipal Corporators, judges and leaders of political parties come clean about their assets and business dealings. The secrecy surrounding the phenomenal growth of their personal wealth is the main cause of corruption, growth of mafias and the killing of activists. Failure to meet 6-month disclosure deadline must invite automatic disqualification and prosecution.

II. **Frame Appeal Procedure Rules for RTI in Maharashtra, with a clause that RTI penalty clause (section 20) is to be strictly enforced.**

By not penalizing slippery public information officers and by not compelling evasive public authorities to provide information, State Information Commissioners are deliberately blunting the activist’s sword and prolonging his battle for years and years, until somebody gets him in the end. Make appropriate rules to ensure strict compliance with RTI Act 2005.

III. **Take strict action against police men who shirk their mandated duty to register an FIR within 48 hours, based on documents and information that the citizen-activist painstakingly gathers, and this has been reiterated repeatedly by various laws, authorities and apex courts. Please read the following:**

A) What CrPC says about the duty of police to register FIR: [http://tinyurl.com/FileFIR1](http://tinyurl.com/FileFIR1)

B) What Maharashtra DGP’s order said: [http://tinyurl.com/FileFIR2](http://tinyurl.com/FileFIR2)

C) What Supreme Court ordered in 2008: [http://tinyurl.com/FileFIR3](http://tinyurl.com/FileFIR3)

D) What Bombay High Court (full bench) said in 2009: [http://tinyurl.com/FileFIR4](http://tinyurl.com/FileFIR4)

IV. **Pass a Government Resolution (GR) directing all departments to receive citizens’ complaints about corruption, misuse of power & non-enforcement of rules & laws.**

Please set up time-bound mechanisms for departmental inquiry and disciplinary action. Currently, faced with
of blatant corruption in govt departments, some RTI activists act as investigating agencies for months and years in order to go to court, becoming highly visible and risking their own lives

We trust you will take up this matter with utmost urgency

Yours Sincerely,

G R Vora
9869195785
Address: Plot - 275 / 3, Gope Nivas, Sion E, Mumbai - 400022.

Mohd. A
9820490435

Krishnaraj Rao
9821588114

Sunil Ahya
9821070606

Copy to:
1 Prime Minister Dr Manmohan Singh, South Block, New Delhi - 110001
2 NAC Chairperson Mrs Sonia Gandhi, 10 Janpath, New Delhi - 110001

Maharashtra’s Table of Shame: Attacks on Activists in 2010

<table>
<thead>
<tr>
<th>Name of Activist</th>
<th>Incident</th>
<th>Date</th>
<th>Place</th>
<th>Probable reason for attack</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nayana Kathpalia</td>
<td>Fired at in her Churchgate home</td>
<td>Jan 2010</td>
<td>Mumbai</td>
<td>PIL against hawkers in Mumbai</td>
</tr>
<tr>
<td>Satish Shetty</td>
<td>Killed</td>
<td>Jan 2010</td>
<td>Pune</td>
<td>Exposing land scams incl those by IRB Infrastructure</td>
</tr>
<tr>
<td>Arun Sawant</td>
<td>Attacked, permanently paralysed</td>
<td>Feb 2010</td>
<td>Thane</td>
<td>Exposing land scams at Badlapur Municipal Council</td>
</tr>
<tr>
<td>Sumaira Abdulali &amp; Naseer Jalal</td>
<td>Murderous assault by mob on highway</td>
<td>March 2010</td>
<td>Mahad</td>
<td>Exposing illegal sand mining, involvement of local MLA</td>
</tr>
<tr>
<td>Vithal Gite</td>
<td>Killed</td>
<td>April 2010</td>
<td>Beed</td>
<td>Exposed corruption at Panchayat &amp; Block levels</td>
</tr>
<tr>
<td>Abhay Patil</td>
<td>Mobbed &amp; threatened</td>
<td>April 2010</td>
<td>Jalgaon</td>
<td>Made corruption charges against politician</td>
</tr>
<tr>
<td>Dattatreya Patil</td>
<td>Killed</td>
<td>May 2010</td>
<td>Ichalkaranji</td>
<td>Exposing corruption in Handloom Sector</td>
</tr>
<tr>
<td>Stalin D and Debi Goenka</td>
<td>Assault</td>
<td>May 2010</td>
<td>Mumbai</td>
<td>While inspecting site of mangrove destruction</td>
</tr>
<tr>
<td>Ashok Shinde</td>
<td>Assault</td>
<td>July 2010</td>
<td>Mumbai</td>
<td>For filing PIL against corruption PWD officials</td>
</tr>
<tr>
<td>Name</td>
<td>Action</td>
<td>Date</td>
<td>Location</td>
<td>Details</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------</td>
<td>---------</td>
<td>----------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>Ramdas Ghadegaokar</td>
<td>Killed</td>
<td>Aug 2010</td>
<td>Nanded</td>
<td>RTI against irregularities in fuel and grain sales in Public Distribution System</td>
</tr>
<tr>
<td>Irfan Yusuf Qazi</td>
<td>Killed</td>
<td>Dec 2010</td>
<td>Jaitapur</td>
<td>Protest against nuclear power plant in Jaitapur</td>
</tr>
</tbody>
</table>
Annexure 2.1 Request for police protection by Mangla Ram

संयोजन,

श्रीमान भोलानाथ अधीक्षक महोदय
बांकार

विषय: — सूचना व अनुसूचित जाति के व्यक्ति पर अत्याचार के कारण मैं नहीं।

नहोंदनों,

निवेदन मंगलारम पुलिस श्री नेहंद्रसाम जाति मंगलारम निवासी बांकोर तहसील खुलना जिला बांकार। इस प्रकार है कि —

01. कि मैं व्रिः समारोह प्रांगण चंद्रशेखरपुरम के अधिकार 2004 के अनुसार हार्ड प्रांगण की मिलिट्री वर्ष 2001 से 2008 तक की सूचना नागर्को यथा। उसके कारण अनुशासन उन्हें धरे। उनके लिए अनुशासन नहीं। लेकिन उन्हें अनुशासन हो।

02. कि उनके पूर्व पुलिस तरलरंग न रकम राजस्व कर भुगतान करने के लिए हिंदु राजन विभाग ने लिखा था कि उस भूमिका में एक सूचनी परीक्षण का लिखा था।

03. कि मैं बांकारों में 40 वर्षों से प्रभाव कर रहा हूँ, पूर्व में सरकार द्वारा यहाँ वस्त्र विभाग की सूचना ने जमीन देने की कलेक्ट राज ने दी है।

04. कि सरकार नहीं ने उनके साहित्यिकों द्वारा होना नहीं से परीक्षण करने राज्य के लिए तीन कर रहा है।

05. सीमा मुगलारम साहित्यिक व उनके सहयोगियों द्वारा मुगल घर,निवास शास्त्र से अपनाया जिन को बढ़ा रहा है। तथा साथ नहीं जाने से आगाह यह तथा परिपूर्ण जानने की धार्मिक वर्षा जा रही है। उन सरकার नहीं ने जानता हूँ, अन्य लोगों को नहीं जानता हूँ। पूर्व में भी मेरा श्रीमान साहित्यिक से आधार एवं लिखा 16.09.2009 को किया गया।

अतए श्रीगांवी से निवेदन है कि इन लोगों के लिए सूचना कराने का कारण यह है। यदि समय लगे तो इसे पाकत कर नहीं करें तो मेरे विरोध प्रस्ताव के इतिहास धारा घटना समय तरीका है जिनकी विनम्रता से मेरे प्रारंभ की जाए।

इतिहास दिनांक — 26.02.2011

संस्कृत श्री मंगलारम

प्रतिष्ठित —

01. श्रीमान मंगलारम अधीक्षक महोदय, बांकार

02. मंगलारम निवासी महोदय राजस्थान सरकार जयपुर।
Annexure 2.2 FIR registered on complaint of Mangla Ram
Annexure 2.3 FIR registered by Barmer Police

XII

12. Annexure 2.3 FIR registered by Barmer Police

XII

- Shri Mahendra Dikshit
  - Police Officer

Annexure 2.3

FIR registered by Barmer Police

XII

Shri Mahendra Dikshit

- Police Officer

Annexure 2.3

FIR registered by Barmer Police

XII
XIII
राजस्थान सरकार
कार्यालय उपरबङ्ध अधिकारी गुजरातालाम मुख्यालय बांदेर

श्रीमान् जिला प्रशिक्षक बांदेर

विवेक–अग्नेय ग्राम में ग्राम समाज की मीटिंग के दौरान जान ही आई कार्यकारी
पर हुए काम के सम्बन्ध में पूर्णन का
प्रस्ताव–अग्निक योजना-प्राथमिक / 2011/3173-74 दिनांक 04-03-2011

नईदेश

इस प्रकरण के सम्बन्ध में अध्यक्षसभास्थानों का जाओ नहीं के पर जाकर उसे पाए के
हालत का जाना किया गया एवं इस पदार्थ की जानकारी प्राप्त की गई जिससे समय में
निवेदन निम्न आया है–

1. श्री श्रीमान् बांदेर द्वारा पंचायत बुलंडां में श्री गुजरातालाम वर्षागत सरपंच के विश्वस
   निकाय के बुलंद लगा था जिसमें श्री मंगलालाय बंगरजा जिलका द्वारा मार्गदर्शन हुए है, जहाँ
   ग्राम ही और श्री मंगलालाय की प्रति श्री श्रीमान् बांदेर जिला प्रशिक्षक के साथ के बांदेर में
   हारी है, लिया हुआ गुजरातालाम से श्री मंगलालाय की राजनीतिक वैश्विकता लगी

2. श्री मंगलालाय द्वारा 2009 में ग्राम पंचायत द्वारा करदेव जाने वाले कांडों के कारण में
   पूर्णना का अभिकार के तहत पंचायत से पूर्णना गर्ला की जिसर राज्य दूतावास द्वारा
   उनकी अपील द्वारा कर 100 पेज की सुचना देने हेतु निर्देशित दिये जाने पर भर 2010
   में जारी होस्टल अक्ष्य उपयोग कराई गई थी। पंचायत से पूर्णना मांगे जाने के कारण
   लघुपंचायत और श्री मंगलालाय के वीच विवाद उत्पन्न हो गया था

3. विवाद विवाद के बढ़ने पर श्री मंगलालाय को जाने से मारने की आशंका उत्पन्न होने पर
   दिनांक 28-02-2011 को जिला पुलिस अधीक्षक बांदेर के साथ एक होकर श्री
   मंगलालाय सरपंच बांदेरण के जाने ग्राम का खतरा है उसे जाने से मारने की दृष्टिकोण
   देने के लक्ष्य श्री मंगलालाय सरपंच बांदेरण को वापस करने एवं सरकारी की
   जिम्मा देने हेतु निवेदन किया था।

4. दिनांक 28-02-2011 को प्राप्त परिभाषा के जिला पुलिस अधीक्षक कार्यालय से
   जानकारियों द्वारा दिनांक 03-03-2011 को निजी दिनांक द्वारा जानकारी देने के
   लिए दिनांक 03-03-2011 को निजी दिनांक जानकारी हेतु निर्देश
   दिये गये। जब तक जानकारी सरपंच को पाकर करते उसी दिनांक दिनांक
03-03-2011 का ग्राम परमार्ग बाणगंगा म सामान्यक अध्यावंश इत्यादि ग्राम समा का अध्यावंश

5. समाधान पत्र में जो रिपोर्ट लिखी है कि विनिमिया पहलु ग्राम नहीं किया गया था तथा ज्यादा ब्रांच का खर्च की बुजुर्ग के पाकर्तु उल्लेख द्वारा कार्यकारी की गई। वित्त विभाग ग्राम पंचायत के साथ इंदिरा-गांधी ने श्री मंगलामण्डल के साथ मार्गपत्र हुए और श्री मंगलामण्डल को ग्रामीण

भवन के कारण भी संठित रहते हैं विज्ञापन अर्थात यह समाधान में जो मार्गपत्र नहीं ग्रामीण अन्वेषण करते रहते हैं।

श्री मंगलामण्डल अंगूर भाषा जोड़ी का बी एंर परिचार भी है एवं सामान्य प्रश्न समाधान करने वाला जो इस क्षेत्र में बहुत ज्यादा राजनीतिक रूप से समाधान है। दोनों के रूप में राजनीतिक एवं व्यक्तित्व विवाद तथा विवश है जिसके कारण दोनों स्थल दुर्विच्छेद है। प्रक्रिया एक बी एंर परिचार एवं एक समाधान सर्वाधिक तथापि दोनों के अन्तर्गत-अन्तर्गत समाधान होने से प्रतिष्ठा में सही जांच से दोनों व्यक्तियों ऐसे अन्तर्दृष्टि नहीं रहे एवं सही व्याख्या निस्सार के, यह आवश्यक है। इस प्रकरण में सर्वाधिक हुआ तक यह घटना में है कि जांच किसी निष्पादक उच्चाधिकारी से कराई जा रही। अतः उचित रहेगा कि इस प्रकरण में किसी निष्पादक उच्चाधिकारी से बिस्मिल जांच कार्य कराई जायेगा।

नवदीप

उपचालक अधिकारी
मुख्यालय मुख्यालय बाणगंगा
Annexure 2.5 Order on special investigations into the case of Mangla Ram

कायमिलय आदेश

निम्नलिखित प्राम भंडारित होन्ना विनियमक 01.04.2008 से 31.12.2010 तक नहाना गानी राज्यवासी प्राम्य रोज़नगर गार्डजी उोजनांगीत छिके गये/कराये जा रहे खारी एवं संस्था यथा की स्विच्छुत जाच हेतु निम्नलिखितानुसार विश्वस जाच दल गठित किये जाते हैं:-

<table>
<thead>
<tr>
<th>नं.</th>
<th>जाच दल प्रामरी एवं संस्था</th>
<th>प्राम मंडलीत</th>
<th>प्राम मानिसिति</th>
<th>जिला</th>
</tr>
</thead>
</table>
| 1  | (1) श्री मंदन लिंग भूलकर, संयुक्त निदेशक, सामाजिक अंकेके़ (प्रामरी)  
(2) श्री भागवत जीनाग, अधिवासी अनुपालन, जिला परिषद, जलालीर | तालालीर | वासिसत्व | भाटरामना |
| 3  | (3) श्री गणेश गुरु राहोर लेखाधिकारी, सामाजिक अंकेके़ |

कलमकर एवं जिला कार्यकर्म सम्बन्धमें यह सूचित किया जाता कि इन दलों के साथ मुख्य कार्यकर्म अधिकारी, जिला परिषद, संयुक्त पंचायत संस्थान की सिद्धांत/कार्यकर्म अधिकारी, सहायक अधिकारी, एक डिबेट टूटक राहे। प्राम के साथ संबंधित परिषद के स्विच्छुत प्राम में गोस्वामी व चैफ नियंत्रण के साथ कार्यकर्ता कार्यकर्म की विविधता व तकनीकी व्यवस्थाएँ मय तकनीकी व झड़क डिखाई, कार्य पूर्वात्त/उपयोगिता प्रामण पत्र, कार्य पर उपयोग में आए मददगर, सामग्री के विन वाहनक, सामग्री रेत्क रुझिस्टर, परिवहनीय मय तकनीकी व्यवस्था जिला संबंधित (Asset cumulative expenditure register) तथा बदल कार्य का नाम पुरस्कार के पुरुषों की मूल प्रश्न अथवा प्रामाण्यता फोड़ी प्रश्न पूर्वक होनी चाहिए। कार्यकर्म प्रयोगिताओं में उद्त उत्तर दस्तावेज को में नशी स्थिर कर व परिवहनीय मय तकनीकी व्यवस्था पर बड़ी आधारों में कार्य का नाम, प्राम/प्राम पंचायत, चैफ वर्ग तथा श्रम व सामग्री पर यथा आक्षेप होनी चाहिए। कार्यकर्म प्रयोगिता पूर्वात्त/उपयोगिता प्रामण पत्र में अक्षेत्र की गई राशि का मिलाए प्रमाणपत्र में संबंधित दस्तावेजों के पुरुषात्त पर नुकसान की गई कुल राशि व सामग्री पर विन वाहन अक्षेत्र के यथा से होना चाहिए। नहाना बीसक शेष कहाँ, बैंक देढी, पास दुर्ग से प्रयोगिताओं के साथ समन्ध वही चाहिए। पंचायत संबंधित कार्यकर्म अधिकारी से इस प्राम पंचायत को विनियम 01.04.2008 से 31.12.2010 तक उपलब्ध एवं सामर्थ्य प्रामण का विवरण भी उपलब्ध कराया गया। उद्त समन्ध सूचना दिनांक 06.03.2011 को सम्बंध व दिनांक 07.03.2011 को याम पंचायत मुख्यालय पर दल प्रामरी को उपलब्ध कराया जाये। साथ ही प्राम रेत्क एवं प्राम रेत्क पंचायत संबंधित मुख्यालय पर संबंधित रेत्कों के लिए विन वाहन प्रामण का समन्ध वही सूचित कराये।
के लिए अनिश्चित साक्ष्य (Documentary Proof) के आधार पर संपूर्ण उत्तराधिकार निर्धारित किया जायेगा। आंदोलन को तैयार करने से पूर्व संलग्न प्रमुखों में सूचना तैयार की जाये तथा इन प्रमुखों को जांच रिपोर्ट का भाग बनाया जाये।

संस्थान: उपरोक्तालुकासर

(श्री.प्र.राजन)
प्रमुख शासन सचिव
अभीनव विकास एवं पंचायती राज

अभाष: एक्स (23)/प्र.प.व./म.प.व./श.प.व./अ.व.व./स.व.व./2010–11/11483–78 जयपुर, दिनांक: 04.03.2011

प्रतिबंधि:— निर्देशित को न्यूनतम एवं आवश्यक कार्यबाह्य हेतु प्रस्तुत है—

1. विभाग सहायक, गृहीनी मंजी, ग्रा. प्र. एवं पंचायत राज विभाग, जयपुर
2. निजी सचिव, प्रमुख शासन सचिव, ग्रा. प्र. एवं दंपती, राज विभाग, जयपुर
3. निजी सचिव, आयुक्त एवं शासन सचिव, श्री.प्र.राजन, जयपुर
4. अधिकारिक आयुक्त–ब्रिटिश, ई.एस.,
5. जिला कॉलेक्टर एवं जिला कार्यकारी समक्ष, बांधव, जलोर
6. मुख्य कार्यकारी अधिकारी, जिला परिषद, बांधव, जलोर
7. संस्थान बल प्रभारी, श्री.महेंद्र सिंह नूबार, संस्थान निदेशक, निदेशालय, सामाजिक अंतर्गत (वल) का प्रमुख सं. 01 से 05 तक संलग्न किए जा रहे है।
8. संस्थान बल सदस्यवाद सी. साधा जीनागर, अधिशासी अभियंता, जिला परिषद जलोर/श्री महेश गुप्ता, सामाजिक अंतर्गत, सामाजिक अंतर्गत।
9. विकास अधिकारी एवं कार्यकारी अधिकारी, पंचायत समिति भोजपुरा, बांधव
10. रचना पत्राध्यापी

संस्थान निदेशक,
सामाजिक अंतर्गत
Annexure 2.6 The inquiry report in corruption allegations at Bammor village

प्रस्तावना:

प्रमुख सासन सचिव, ग्रामीण विकास एवं पंचायती राज विभाग के आदेश कर्मक एक 81(23) व.वि. / म.न. / नि.सा.अ. / आ.रि.जॉ. / 2010-11 / 11463-75 विनियम 04.03.2011 द्वारा निर्देशित अधिकारियों का एक जांच दल गठित किया गया--

1. श्री महेंद्र सिंह मूर्ति, संयुक्त निदेशक, निदेशालय सामाजिक अंकेश्वर, जयपुर
2. श्री लामचन्द्र जीनगर, अधिकारी अभियंता, जिला प्रशिक्षक, जालोर
3. श्री प्रभु सुप्रदा, साहाय्य लेखाधिकारी सामाजिक अंकेश्वर, जयपुर

जांच दल ने मौके पर जाकर कार्य का नीतिक सत्यापन किया तथा कार्यों से संबंधित अभिलेख की जांच की। जांच के समय श्री संजय अमरावत, विकास अधिकारी, पंचायत समिति शोरीना, श्री गनेश गोयल, सहायक अभियंता, पंचायत समिति शोरीना, श्री संजय जैन, सहायक अभियंता जिला प्रशिक्षक बाड़गोर, श्री हरमान चौधरी सहायक अभियंता, पंचायत समिति, बाड़गोर, श्री मोहिन्द्र अहमद, ग्राम सेवक एवं पदक सचिव, ग्राम पंचायत बाड़गोर, श्री मोहिन्द्र भानु शर्मा, कनिष्ठ पंचनाली सहायक, पंचायत समिति शोरीना, श्री रामदास बाबा कनिष्ठ पंचनाली सहायक, पंचायत समिति शोरीना एवं श्री पंतुराम बाबा, कनिष्ठ पंचनाली सहायक, पंचायत समिति शोरीना श्री पवन कुमार शर्मा, कनिष्ठ पंचनाली सहायक, पंचायत समिति शोरीना मौके पर साथ रहे।

निर्देश योजनान्तर्गत करार गए कार्यों के मौके पर माम तथा मूल्यांकन का कार्य श्री लामचन्द्र जीनगर, अधिकारी अभियंता (तकनीकी अधिकारी) द्वारा श्री गनेश गोयल, सहायक अभियंता पंचायत समिति, शोरीना ओ श्री मोहिन्द्र भानु शर्मा, कनिष्ठ तकनीकी सहायक, पंचायत समिति शोरीना के साथ किया गया। मौके पर व्यक्तिगत टांका निर्माण कार्यों एवं इंतज़ार
आवास कार्य का भौतिक सत्यापन करवाने के लिए निम्नलिखित तकनीकी अधिकारियों का भी सहयोग लिया गया--

श्री संदीप जीन, सहायक अभियंता जिला परिषद बाड़नेर, श्री हनुमान चौधरी सहायक अभियंता, पंचायत समिति, बाड़नेर, श्री रामदास बैंसे कानिज़ तकनीकी सहायक पंचायत समिति धोरेमणा, श्री पपुसाम बैंसे कानिज़ तकनीकी सहायक पंचायत समिति धोरेमणा, श्री पवन कुमार शर्मा, कानिज़ तकनीकी सहायक, पंचायत समिति धोरेमणा।

पंचायत-बाड़नेर में नगर योजनान्तर्गत पंजीकृत परिवारों एवं आय व्यय का विवरण

(i) पंचायत-बाड़नेर, पंचायत समिति धोरेमणा, जिला बाड़नेर में नगर योजनान्तर्गत पंजीकृत परिवारों का विवरण निम्नानुसार है :-

<table>
<thead>
<tr>
<th>नं.</th>
<th>गांव का नाम</th>
<th>जनसंख्या 2001 के अनुसार</th>
<th>मध्यवर्ती संख्या</th>
<th>पंजीकृत परिवारों की संख्या</th>
<th>जिलाधिकार की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>बाड़नेर बंगरशाह</td>
<td>2127</td>
<td>805</td>
<td>488</td>
<td>478</td>
</tr>
<tr>
<td>2</td>
<td>बाड़नेर अमीरशाह</td>
<td>739</td>
<td>486</td>
<td>198</td>
<td>193</td>
</tr>
<tr>
<td>3</td>
<td>ढंडर का दूल</td>
<td>1933</td>
<td>1116</td>
<td>401</td>
<td>391</td>
</tr>
<tr>
<td>4</td>
<td>बोंढ़ावेला</td>
<td>1170</td>
<td>976</td>
<td>345</td>
<td>335</td>
</tr>
<tr>
<td>5</td>
<td>अपराजिता</td>
<td>331</td>
<td>369</td>
<td>106</td>
<td>101</td>
</tr>
<tr>
<td>6</td>
<td>पिंगलपुरा</td>
<td>737</td>
<td>374</td>
<td>145</td>
<td>135</td>
</tr>
<tr>
<td>7</td>
<td>गीता बेला</td>
<td>389</td>
<td>323</td>
<td>102</td>
<td>98</td>
</tr>
<tr>
<td>8</td>
<td>अजेयकर नगर</td>
<td>472</td>
<td>314</td>
<td>125</td>
<td>110</td>
</tr>
<tr>
<td>9</td>
<td>अफी मोदन शाह की बेटी</td>
<td>432</td>
<td>358</td>
<td>123</td>
<td>112</td>
</tr>
<tr>
<td></td>
<td>योग</td>
<td>8330</td>
<td>5121</td>
<td>2033</td>
<td>1953</td>
</tr>
</tbody>
</table>

(ii) पंचायत-बाड़नेर का वर्ष 2007-08, 08-09, 09-10 एवं 2010-11 के आय-व्यय पूर्व राशि समायोजन का विवरण--

<table>
<thead>
<tr>
<th>वर्ष</th>
<th>आय के लिए मार्गदर्शन</th>
<th>आय प्रति परिवार</th>
<th>मूल मार्गदर्शन</th>
<th>आय के लिए मार्गदर्शन</th>
<th>मूल मार्गदर्शन</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>49161000</td>
<td>30998000</td>
<td>80159000</td>
<td>1536306</td>
<td>807901</td>
</tr>
<tr>
<td>2008-09</td>
<td>121080000</td>
<td>81430000</td>
<td>202430000</td>
<td>6360142</td>
<td>244937</td>
</tr>
<tr>
<td>2009-10</td>
<td>152444000</td>
<td>93970000</td>
<td>245814000</td>
<td>7891564</td>
<td>4336441</td>
</tr>
<tr>
<td>2010-11</td>
<td>194280000</td>
<td>163890000</td>
<td>357970000</td>
<td>4938143</td>
<td>1622976</td>
</tr>
<tr>
<td>योग</td>
<td>516885000</td>
<td>369483000</td>
<td>886373000</td>
<td>20726155</td>
<td>7012235</td>
</tr>
</tbody>
</table>

[Signatures]

XIX
<table>
<thead>
<tr>
<th>नं.</th>
<th>पदबाधित आधिकारी/ कर्मचारी</th>
<th>पदबाधित अधिकारी</th>
<th>पदबाधित अधिकारी</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>कलेक्टर एवं जिला कार्यक्रम समन्वयक (ई.जी.एस.)</td>
<td>श्री कृष्ण कुपोष्ट</td>
<td>01.04.2008 से 24.05.2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td>श्री दीप जॉन</td>
<td>25.05.2008 से 31.03.2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td>श्री गोविंद गोपाल</td>
<td>01.04.2010 से 31.12.2010</td>
</tr>
</tbody>
</table>

| 2   | नियुक्त कार्यक्रम अधिकारी एवं संचालक जिला कार्यक्रम समन्वयक (ई.जी.एस.) | श्री चंदनलाल कैमाली | 01.04.2008 से 07.10.2008 |
|     |                     | श्री पंकजल दामु | 08.10.2008 से 01.03.2009 |
|     |                     | श्री कल्याणसन्त उपज्ञात | 02.03.2009 से 17.03.2009 |
|     |                     | श्री गोविंदसिंह भवानीपाल | 18.03.2009 से 08.09.2009 |
|     |                     | श्री कल्याणसन्त उपज्ञात | 09.03.2009 से 04.10.2009 |
|     |                     | श्री रामचंद्र उपमी | 05.10.2009 से 31.03.2010 |
|     |                     | श्री चो.एल. कटोई | 01.04.2010 से लगातार |

| 3   | विकास अधिकारी | श्री दीनाथ बाप्पा | 01.04.2008 से 30.06.2008 |
|     |                     | श्री किशनलाल * | 01.07.2008 से 04.12.2009 |
|     |                     | श्री पंकजसिंह उपज्ञात | 05.12.2009 से 21.01.2011 |
|     |                     | श्री राजसुधाराम गोयन | 31.01.2011 से लगातार |

| 4   | कार्यक्रम अधिकारी (ई.जी.एस.) | श्री पंकजसिंह उपज्ञात | 01.07.2008 से 21.01.2011 |
|     |                     | श्री राजसुधाराम गोयन | 31.01.2011 से लगातार |

| 5   | अधिवेशन अधिकारी (ई.जी.एस.) | श्री ए.के. रामम | 01.04.2008 से 31.12.2009 |
|     |                     | श्री संतीता जोशी | 01.01.2010 से 31.03.2010 |

| 6   | सहायक अभिव्यक्त/ परिभाषित तकनीकी सहायता | श्री शुभोकालिन बिद्विनोई | 01.04.2008 से 31.03.2010 |

| 7   | कॉन्फ्रेंस शाहीनबाग शाहीनबाग | श्री चन्द्रेश गोपाल | 01.04.2008 से लगातार |

| 8   | लेखा सहायक पंचायत संगठन | श्री गोविंद खाना | 13.06.2009 से 10.07.2010 |
|     |                     | श्री नीलांगेश पाला | 11.07.2010 से 28.02.2011 |

| 9   | स्तर ग्राम पंचायत | श्री गुलाम राह | 01.04.2008 से लगातार |

| 10  | ग्राम सहकार संगठन | श्री सोहनदास इकबाल अहमद | 01.04.2008 से लगातार |
|     |                     | श्री जयनाथ नगवाल | 01.04.2008 से लगातार |

प्रांगण पंचायत बाहरी नरेगा योजना रणनीति वर्ष 2007-08, 08-09, 09-10 एवं 10-11 में 360 कार्य स्थापत कर करवाये गए हैं (परिशिष्ट-2)।(96 स्टेटा प्रावधान यहीं)

उपरोक्त कार्यों में से जांच एवं भौतिक समाधान के लिए वर्ष 2007-08, 08-09, 09-10 एवं 10-11 में स्थापन करवाए गए 360 में से 8 प्रेमल राज्यों के कार्यों के दिशा में उभ्र गई तथा भौतिक संपत्ति पर मान एवं मुहूर्तक लिया गया तथा 260 कार्यों का भौतिक संपत्ति किया गया।(96 स्टेटा प्रावधान यहीं)
### जाँच प्रतिवेदन

<table>
<thead>
<tr>
<th>कॉलं/रैं</th>
<th>निर्देश कार्य का नाम</th>
<th>कार्य का पूरक कोड</th>
<th>मौजूदे पर भौतिक सल्लामन एवं माप पुरुषकर में दर्ज माप के गुणवत्ता में अन्तर के कारण अनियमित मुआतानि राशि रू 9,67,781/-</th>
<th>मायाजय स्वभाव पैकेज पर प्रामाण्य दल पहुंच से गए वास्तविक माप की आईडिया पर सिद्धांत (या माप पुरुषकर के प्रति) परिसंचित संलायन</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>वेयर चुकी हेलिकॉप्टर से धरानी छत्रों की दर्जन तक 1.5 किमी</td>
<td>207/1/05</td>
<td>110451</td>
<td>3 (1 से 14)</td>
</tr>
<tr>
<td>3</td>
<td>वेयर चुकी किनारा भिड़गार्ड से नवादल तक</td>
<td>207/1/08</td>
<td>19188</td>
<td>4 (1 से 17)</td>
</tr>
<tr>
<td>4</td>
<td>वेयर चुकी निरीक्षण भिड़गार्ड से होंडी से तेज का तला तक 3 किमी</td>
<td>207/1/09</td>
<td>148302</td>
<td>5 (1 से 42)</td>
</tr>
<tr>
<td>5</td>
<td>वेयर चुकी हैलिडार्ड से मौला की कथन तक</td>
<td>207/1/16</td>
<td>196481</td>
<td>6 (1 से 24)</td>
</tr>
<tr>
<td>6</td>
<td>(i) वेयर चुकी गूढ़ासिमेटों के फाँट से तेज का तला</td>
<td>207/1/06</td>
<td>281731</td>
<td>7 (1 से 51)</td>
</tr>
<tr>
<td>7</td>
<td>(ii) वेयर चुकी भिड़गार्ड की कार्य धरानीयों के फाँट से तेज का तला</td>
<td>207/1/15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>(i) वेयर चुकी बांधों से मौला सरदार तक 3 किमी</td>
<td>207/1/03</td>
<td>211628</td>
<td>8 (1 से 45)</td>
</tr>
<tr>
<td>9</td>
<td>(ii) वेयर चुकी भिड़गार्ड की कार्य धरानीयों के फाँट से तेज का तला</td>
<td>207/1/10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

प्रवेश सड़क नीलामी में प्रत्याशी छत्रों की दर्जन तक 1.5 किमी (प्रशिष्ट-3)

(i) वेयर की मात्रा - 3 मत्तीटर वेयर कम पाई गई। रसुली राशि रू 34,274/-

(ii) वेयर परिसंघ - स्वीकृत तकनीकी में 20 किमी लोड अनुमूल्य की गई, जबकि 65 किमी लोड की गई। रसुली राशि रू 72,461/-

(iii) कंप्लेक्पन - स्वीकृत सकलकी एक्स्टेंड्र के आईटी 5 के अनुसार वेयर भिड़गार्ड से द्रोण एवं धरानी के लंबे इलायड के कारण मात्र रू 5/- ही अनुमूल्य है, जबकि रू 12/- प्रति चक्षुदीर प्रभाव किया गया है। रसुली राशि रू 3,716/-
2. येवेल सदक निर्माण विभागपुर से नवालांक कर तक 1 किमी (परिषिद्ध-4)
   (i) येवेल परिवहन स्थीरता तकरीर में 45 किमी सीड्र अनुसार बनाई गई है, जबकि माल \n      पुरस्कर अनुसार 55 किमी सीड्र का पुनरावृत्त किया गया है। अतः 10 किमी \n      अतिरिक्त अनुप्रयोगिता सीड्र के आधार \ सा \ र 0,16,390/- वसूली है।
   (ii) कोम्प्लेक्स - स्थीरता तकरीर के आईटम 5 के अनुसार येवेल बिंचने, रोलर से दबाने एवं पानी के खंड इस्याद के लिए माल र 0,5/- ही अनुमान है, जबकि \ र 0,11/- प्रति धमनीटर सुगमता किया गया है। वसूली राशि \ र 0 \ 2,558/-

3. येवेल सदक निर्माण गुजरात की होटेल से लेख का तला तक 3 किमी (परिषिद्ध-5)
   (i) लम्बाई-घरेलू सदक स्थानी के अनुसार 2991 मीटर है परम्परा में नीचे पर 2864 मीटर पाई \ गई। 107 मीटर येवेल एक दोहरा पर कम पाई गई, वसूली राशि \ र 0,80,357/-
   (ii) येवेल की माल-मौके पर 118,16 घनमीटर स्थान कम पाई गई, वसूली राशि \ र 59,037/-
   (iii) कोम्प्लेक्स - स्थीरता तकरीर के आईटम 5 के अनुसार कोम्प्लेक्स हेतु अनुकृत अभिव्यक्ति र 0,5/- सहित मुल र 0,14/- ही अनुसार है, जबकि \ र 0,13/- प्रति धमनीटर \ के डिजाइन \ से \ पुनरावृत्त किया \ गया \ है, \ अर्थ \ र 0,4/- प्रति धमनीटर से वसूली राशि \ र 8,908/- की जाती है।

4. येवेल सदक पिंगलपुरा डेंड्र रोड से गेटों की बस्ती तक (परिषिद्ध-6)
   (i) लम्बाई-घरेलू के अनुसार येवेल सदक 1999,50 मीटर है जबकि नीचे पर 1900 मीटर \ लम्बाई पाई गई। 99,50 मीटर येवेल सदक कर है, वसूली राशि \ र 71,043/-
   (ii) येवेल की माल-मौके पर जोड़ के द्वारा 237.27 घनमीटर स्थान कम पाई गई। \ वसूली राशि \ र 1,18,797/-
   (iii) कोम्प्लेक्स - स्थीरता तकरीर के आईटम 5 के अनुसार कोम्प्लेक्स हेतु अनुकृत \ अभिव्यक्ति \ र 0,5/- सहित मुल \ र 0,14/- ही अनुसार है, जबकि \ र 0,13/- प्रति \ धमनीटर \ के \ डिजाइन \ से \ पुनरावृत्त किया \ गया \ है, \ अर्थ \ र 0,4/- प्रति \ धमनीटर \ अनुप्रयोगिता \ सुगमता \ की \ राशि \ र 6,651/- वसूली है।

5. येवेल सदक मुख्यपुराणों के पार्क से लेकर तक (परिषिद्ध-7)
   (i) लम्बाई-घरेलू कर जी में 44 एवं 79 के अनुसार लम्बाई 792 मीटर एवं द्वितीय \ कार्य कर की जा रही में 270 के अनुसार लम्बाई 1600 मीटर है। मुल लम्बाई 2392 \ मीटर है। \ नीचे \ पर \ लम्बाई 2864 मीटर \ लम्बाई \ पाई \ गई। \ नीचे \ पर \ 128 \ मीटर \ लम्बाई \ कम \ पाई \ गई। \ वसूली \ राशि \ र 38,895/-
   (ii) येवेल की माल-मौके पर 312 घनमीटर स्थान कम पाई गई। वसूली राशि \ र 1,56,200/-
   (iii) येवेल परिवहन-स्थीरता कार्य में तकरीर के आईटम के अनुसार 20 किमी लम्बाई \ अनुमान \ है \ जबकि माल \ पुरस्कर \ अनुसार 20 किमी लम्बाई का पुनरावृत्त किया \ गया \ है। \ 35 \ किमी \ अतिरिक्त \ लम्बाई \ का \ पुनरावृत्त किया \ गया \ है। \ तदनुसार \ कोम्प्लेक्स \ एवं \ पानी \ के \ र 0,5/-
अनुमत है, जबकि भुगतान ५० ११/— प्रति घनमीटर किया है। वसूली ५० ३,४४९/—
(२) द्वितीय वीकृत कार्य के तकनीकी स्वीकृति आईटम ७ के अनुसार अनुमान श्रम नद में ४० ५/— एवं बुले ४० १४/— अनुमत है। तदनुसार कौशलित एवं पानी के लिए ५० ९/— ही अनुमत है, जबकि भुगतान ५० १४/— प्रति घनमीटर की दर से किया है। वसूली राशि ५० ४,७१३/—

६ (१) प्रेवेल सदृश निर्माण बांधने से भूमिता सीमा तक (परिसंचरण—८)
(२) प्रेवेल बिंदुई कार्य बांधने से भूमिता सीमा तक १.५ किमी में से ४ किमी०
(१) परियोजना— (१) प्रथम स्वीकृत कार्य-तकनीकी एस्टीमेट अनुसार प्रेवेल परिवहन की २० किमी० लोड अनुमत की गई, जबकि भुगतान ५५ किमी० की लोड का किया गया। ३५ किमी० अतिरिक्त परिवहन के लिए किया गया भुगतान ५० १,५०,४००/— वसूली राशि है।
(२) द्वितीय वीकृत कार्य-तकनीकी एस्टीमेट अनुसार प्रेवेल परिवहन हेतु ५० किमी० लोड का अनुमत की गई, जबकि एवं ही अनुमत ५५ किमी० लोड का भुगतान किया गया है। ५ किमी० अतिरिक्त लोड का भुगतान ५० ४३,७८५/— वसूली राशि है।

(२) कौशलित कार्य-कौशलित एवं पानी हेतु ५० ७/— प्रति घनमीटर अतिरिक्त भुगतान किया गया है। वसूली राशि ५० ७,७१३/—
(२) द्वितीय वीकृत कार्य-कौशलित एवं पानी हेतु ५० ५/— प्रति घनमीटर अतिरिक्त भुगतान किया गया है। वसूली राशि ५० ९,७३०/—

जांच निष्कर्ष एवं प्रस्तावित कार्यपूर्ति—

१) जांच दल द्वारा नाम पंचायत बांधने में करवाए गए कार्यों का भौगोलिक स्थानन्तर कर विश्लेषण जारी की गई जांच के दौरान १०८ निर्माण कार्यों में माध्यम पर उपलब्ध कार्य के नाम एवं नाम पंचायत में दर्ज नाम में अन्तर पाया गया तथा तकनीकी एस्टीमेट में अनुमत दर से अधिक दर पर प्रेवेल परिवहन की लोड, कौशलित, पानी का नाम पुस्तिका में इंद्राङ्ग कर भुगतान किया गया। नाम पुस्तिका में दर्ज एवं गए नाम गलत एवं कार्यों के मूल्यांकन से स्पष्ट होता है कि नाम मान्यता भूमिता, तकनीकी सहायता, पंचायत समिति, धोनीमण्डल द्वारा निर्माण की नीति की वैध नाम पुस्तिका में इंद्राङ्ग किए गए हैं। इन कार्यों का नाम पुस्तिका में भुगतान हेतु पुलिस्कार राशि को पारित करने की कार्यवाही श्री नौरुज पुलिस्कार शासन, नाम पंचायत बांधने एवं श्री नौरुज पुलिस्कार अहमद, नाम पंचायत, नाम पंचायत बांधने दिवस की गई है।

२) कार्यपूर्ति के निकट पर उपलब्ध निर्माण के वाली संग्रह में अधिक नाम पंचायत (नाम पुस्तिका) में दर्ज करने एवं तकनीकी एस्टीमेट से अधिक दर पर अनुमान पुस्तिका के बिना अनुमत नाम ५० ६,०७,७८१/— है।

३) गलत तयारी के साथ नाम पुस्तिका में अधिक नाम दर्ज कर एवं अधिक मूल्यांकन दर्ज कर कार्यक्रम राशि का अनुमान एवं पंचायत भुगतान करने के लिए श्री नौरुज पुलिस्कार, कौशल, नाम पंचायती शासन, पंचायत समिति, धोनीमण्डल, नाम पंचायत बांधने, नाम पंचायत बांधने एवं श्री मोहम्मद इकबाल अहमद, नाम पंचायत एवं नाम पंचायत प्रशासन रूप से उत्तरदायित्व हैं। इसके वित्तसंबंधी दायित्व ५० ६,०७,७८१/— की मांग करने हेतु कार्यों एवं विभागीय कार्यवाही किया जाना चाहिए होगा।

चित्र इमेज
(4) अधिशासी अभियंता, जिला परिषद् बाग्नेर एवं साहयक अभियंता, पंचायत समिति भर्तीमान द्वारा प्रेयल सड़क निर्माण कार्यों के तथ्यों का सत्यापन एवं मूल्यांकन किए जिन्होंने पूर्वता प्रमाण पत्र जारी किए हैं।

अधिशासी अभियंता, जिला परिषद् बाग्नेर द्वारा निर्माणित 7 कार्यों के पूर्वता प्रमाण पत्र जारी किए गए —

1. धेमल सड़क मीठाया से धामी छोटेरी की दारी तक 1.5 किमी
2. धेमल सड़क निर्माण सिंगलपुर मुर्ति से नवातला तक
3. धेमल सड़क सिंगलपुरा रोड से गीलो की बस्ती तक
4. धेमल सड़क मुस्तानियों के फाटे से तेजा का तला
5. धेमल बिंधाने का कार्य मुहिब्बियों के फाटे से तेजा का तला
6. धेमल सड़क बाग्नोर से मलीसर स्थरहद तक 3 किमी
7. धेमल बिंधाने का कार्य बाग्नोर से मलीसर स्थरहद तक किमी 1.5 से 4.0 किमी (2.5 किमी)

नियमगत अधिशासी अभियंता व साहयक अभियंता द्वारा इनका निरीक्षण कर गाय पुलिसकर्मी में कार्य की मात्रा, गुणवत्ता एवं मानवीय मापदंडों की भीतिक जानकारी का दिनांक सहित राज्य स्तर पर भी अंकार्य कर हरदास कर जाने चाहिए थे, परंतु सर्वाधिकारी अधिशासी अभियंता व साहयक अभियंता द्वारा कभी भी इन कार्यों की भीतिक जांच नहीं की गयी एवं कार्यों के प्रति लापरवाही की गयी तथा पूर्वता प्रमाण पत्र जारी कर दिए गए। इसके कारण जेन अनिलमित भूमिका अर्जित कर जायें।

(5) भी महालाल रंजिंद मुख्यालय विकास अधिकारी एवं कार्यकर्म अधिकारी, पंचायत समिति भर्तीमान द्वारा उक्त 8 प्रेयल सड़कों का मूल्यांकन कर पूर्वता प्रमाण पत्र जारी किए हैं। उक्त 8 प्रेयल सड़कों में से राशि 947,871/- का अनुमान भुगतान हुआ है।

भाग-2

1. प्रांमण्यात बाग्नोर में नरेंद्र योजनानिर्माता काल्पन साहा द्वारा भीत सत्यापन निर्माण किया गया।

वर्ष 2007-08 से 2009-10 तक 125 अविभाजित टांकों द्वारा निर्माण किए गए। इनमें से 21 टांक निर्माण किए गए। शेष 164 वाटरट्र्रेंट टांकों की भीतिक सत्यापन रिपोर्ट इस प्रकार है (परिस्तित-9) —

(1) 12 वाटरट्रर टांकों की निर्माण भी हो सके — प्रांमण्यात द्वारा इन 12 कार्यों पर धारा 58-58.25/- लाभ दर्ज की गई है।

<table>
<thead>
<tr>
<th>क.सं.</th>
<th>नाम नागरिक</th>
<th>जाति</th>
<th>गांव</th>
<th>राज्य</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>हस्तिन/बुलाल</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>28415</td>
</tr>
<tr>
<td>2</td>
<td>मुकंद/जजार</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>28765</td>
</tr>
<tr>
<td>3</td>
<td>मुम्बई/कुमाऊँ</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>36960</td>
</tr>
<tr>
<td>4</td>
<td>रायगढ़/पुडुलंड</td>
<td>लोगों का क्षेत्र</td>
<td>गोवा</td>
<td>31810</td>
</tr>
<tr>
<td>5</td>
<td>धीर/लंकाद्वीप</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>31810</td>
</tr>
<tr>
<td>6</td>
<td>आभूष्ण जामीदार/विजय मोम्बासा</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>31810</td>
</tr>
<tr>
<td>7</td>
<td>साहिंदा/लाल मोम्बासा</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>31810</td>
</tr>
<tr>
<td>8</td>
<td>राम</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>31810</td>
</tr>
<tr>
<td>9</td>
<td>अलम खान</td>
<td>सरकारी</td>
<td>बाराबंकी</td>
<td>31810</td>
</tr>
</tbody>
</table>
(2) 18 कार्य प्रारम्भ नहीं हुए — ग्राम पंचायत द्वारा इन 18 कार्यों पर राशि ₹ 6,38,402/-- व्यय दर्शाया गया है।

<table>
<thead>
<tr>
<th>क्र. सं.</th>
<th>नाम लाखाधीन</th>
<th>जाति</th>
<th>ग्राम</th>
<th>राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>जीवन/जुगमा</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>2</td>
<td>शरीर/िश्वाद</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>38180</td>
</tr>
<tr>
<td>3</td>
<td>देहराज/िन्दला</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>38180</td>
</tr>
<tr>
<td>4</td>
<td>अदित्त/िन्दला</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>38180</td>
</tr>
<tr>
<td>5</td>
<td>नुरा/िकासा</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>6</td>
<td>लीला/िकासा</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>7</td>
<td>जाफीर/िदिघाक</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>8</td>
<td>शोहाब/िमोशाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>9</td>
<td>मस्ल/िमोशाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>10</td>
<td>हमा/िहाल</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>11</td>
<td>अमीर/िबफाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>12</td>
<td>दरा/िबफाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>38180</td>
</tr>
<tr>
<td>13</td>
<td>दरा/िबफाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>69616</td>
</tr>
<tr>
<td>14</td>
<td>दरा/िबफाह</td>
<td>मेहबाबूला</td>
<td>गांवगोर भोशियाह</td>
<td>69616</td>
</tr>
<tr>
<td>15</td>
<td>मस्ली/िहाल</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>51618</td>
</tr>
<tr>
<td>16</td>
<td>उलीम/िहाल</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>17</td>
<td>जाफीर/िबफाह</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>24450</td>
</tr>
<tr>
<td>18</td>
<td>कामाल/िवसीम</td>
<td>मुसलमान</td>
<td>गांवगोर भोशियाह</td>
<td>59778</td>
</tr>
</tbody>
</table>

(3) 8 टांके नहीं बने है — ग्राम पंचायत द्वारा इन 8 कार्यों पर राशि ₹ 2,23,060/-- व्यय दर्शाया गया है।

<table>
<thead>
<tr>
<th>क्र. सं.</th>
<th>नाम लाखाधीन</th>
<th>जाति</th>
<th>ग्राम</th>
<th>राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>मेहरा/िमलता</td>
<td>जाति</td>
<td>अमीरपाक</td>
<td>38180</td>
</tr>
<tr>
<td>2</td>
<td>गीतराम/िगीतराम</td>
<td>जाति</td>
<td>अमीरपाक</td>
<td>24450</td>
</tr>
<tr>
<td>3</td>
<td>दीवाराम/िदीवाराम</td>
<td>जाति</td>
<td>अमीरपाक</td>
<td>24450</td>
</tr>
<tr>
<td>4</td>
<td>तमां/िदाना</td>
<td>जाति</td>
<td>पीनौलपुरा</td>
<td>24450</td>
</tr>
<tr>
<td>5</td>
<td>राजपत/िराजपत</td>
<td>जाति</td>
<td>पीनौलपुरा</td>
<td>38180</td>
</tr>
<tr>
<td>6</td>
<td>दीवारा/िबकरमाल</td>
<td>जाति</td>
<td>पीनौलपुरा</td>
<td>24450</td>
</tr>
<tr>
<td>7</td>
<td>हलिम/िहलिम</td>
<td>जाति</td>
<td>पीनौलपुरा</td>
<td>24450</td>
</tr>
<tr>
<td>8</td>
<td>रेराहाम/िरेराहाम</td>
<td>जाति</td>
<td>पीनौलपुरा</td>
<td>24450</td>
</tr>
</tbody>
</table>

(4) 4 व्यक्तिगत टांकों पर आरोप नहीं लाया गया एवं एक टांक को मुम्बाता खाल है।

<table>
<thead>
<tr>
<th>क्र. सं.</th>
<th>नाम लाखाधीन</th>
<th>जाति</th>
<th>ग्राम</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>नाम नामाधीन</td>
<td>जाति</td>
<td>ग्राम</td>
</tr>
</tbody>
</table>

XXV
(5) व्यक्तिगत टांक के निर्माण में ग्राम पंचायत द्वारा दी गई सीमेंट एवं लाभें को प्राप्त सीमेंट की मात्रा में लिंग है। इन टांकों के निर्माण में लाभार्थियों एवं टांकों के निर्माण करने वाले कसरिया के कर्मचारी के कर्मन के अनुसार 180 सीमेंट बैग चक्षस 37800000/- कम दिए गए हैं (प्रशिक्षण-10)।

<table>
<thead>
<tr>
<th>क्र. सं.</th>
<th>नाम लाभें</th>
<th>जाति</th>
<th>ग्राम</th>
<th>जाति की गई सीमेंट (बैग)</th>
<th>प्राप्त सीमेंट (बैग)</th>
<th>अन्तर</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>डीएस/संग्राम</td>
<td>सेवावर्ग</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>35</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>ताजम/काङी</td>
<td>नृसिंहगढ़</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>61</td>
<td>40</td>
<td>21</td>
</tr>
<tr>
<td>3</td>
<td>देवलो/पत्ता</td>
<td>मेघालय</td>
<td>अंधकार नगर</td>
<td>61</td>
<td>50</td>
<td>11</td>
</tr>
<tr>
<td>4</td>
<td>संग्राम/नाथ</td>
<td>मेघालय</td>
<td>अंधकार नगर</td>
<td>61</td>
<td>50</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>धोंगलाल/ताजम</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>अंधकार नगर</td>
<td>61</td>
<td>50</td>
<td>11</td>
</tr>
<tr>
<td>6</td>
<td>गूढ़/धीर</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>अंधकार नगर</td>
<td>61</td>
<td>40</td>
<td>21</td>
</tr>
<tr>
<td>7</td>
<td>नागन/भीमा</td>
<td>सुजाता</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>61</td>
<td>30</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>नागन/सगर</td>
<td>सुजाता</td>
<td>ग्रामपंचायत मंडलसहारा</td>
<td>61</td>
<td>35</td>
<td>25</td>
</tr>
<tr>
<td>9</td>
<td>लिङ्गभेद</td>
<td>मेघालय</td>
<td>अंधकार नगर</td>
<td>55</td>
<td>30</td>
<td>15</td>
</tr>
</tbody>
</table>

(6) व्यक्तिगत टांक का रूप/शीर्षा मेघालय, राजस्थान ग्राम ठाकर का डेड के स्थान पर ग्राम अन्वेषक नगर में बना है। एक टांक का शीर्षा/भीमा मेघालय, ग्राम ग्रामपंचायत मंडलसहारा में नहीं बनने ग्राम अन्वेषक नगर में बना है।

अधिनियम एवं प्रस्तावित कार्यावस्था:

(1) 12. व्यक्तिगत टांक के जांच दल को लोकेट नहीं हो पाए, उनकी जांच कर लोकेट कराए जाए और यदि वे टांक के लोकेट नहीं हो पाए हैं तो इन पर व्यक्त लाभ द्वारा उत्तराधिकार निर्मित कर राशि रु 5200000/- की वसूली की जाए।
(2) 18 कार्य प्राृथ्म नहीं हुए हैं, उन्हें अधिनियम प्राप्त कराया जाए एवं उस तक हराया को प्राप्त करने के लिए बिना राशि रु 638400/- का अनिवार्य व्यय करने के लिए संबंधित कार्यक्रम का उत्तराधिकार निर्मित किया जाए।
(3) 8 टांक नहीं बने हैं, उन पर किया गया अनिवार्य व्यय के लिए उत्तराधिकार निर्मित किया जाए एवं राशि रु 223,090/- की वसूली की जाए।
(4) 4 व्यक्तिगत टांकों पर आगोर नहीं बनाया गया है उन पर आगोर बनाया जाए एवं 1 टांक की खराब गुणवत्ता के लिए संबंधित कार्यक्रम का उत्तराधिकार निर्मित किया जाए।
(5) 9 व्यक्तिगत टांक के निर्माण कार्यों में लाभार्थियों एवं कसरिया के कर्मचारी के कर्मन के अनुसार 180 सीमेंट बैग राशि रु 378000/- का अनिवार्य गुणवत्ता किया गया है। अनिवार्य गुणवत्ता के लिए श्री मोहन कुमार, कनिंह तरसनी की सहायता, व्यक्तिगत समीक्षा-दीर्घिता, श्री गुलाम शाह, सरदेंद एवं श्री गोहामद, हुसैन आसम, प्राइम्स एवं पदेंद सदिया, ग्राम भंवार ग्रामपंचायत आयुक्त के उत्तराधिकार निर्मित कर वसूली की कार्यावस्था की जाए।
(6) रूमा/कीर्ति मेधवाल का व्यक्तिगत टाका ठंडर का ठेर के स्थान पर अमेठकर नगर में एवं केशा/भूमा मेधवाल व्यक्तिगत टाका बामगोर भनुसाह के स्थान पर अमेठकर नगर में बनाने के लिए संबंधित कार्यक्षेत्र का उत्तरदायित्व निर्धारित किया जायेगा।

2. ग्राम पंचायत बाहार पर्व 2001 से 2008-09 की अवधि में स्वीकृत कराए गए इंदिरा आवास कार्यक (परिसंधि-11)

(1) उत्तर अध्याय में स्वीकृत 96 इंदिरा आवासों का भौतिक स्थापना किया गया।

(2) 5 इंदिरा आवास लोकेंट हुए नहीं किए जाएं:

1. खाटीजा/अजय मुसलमान, बामगोर भनुसाह,
2. राहत/जानब अली मुसलमान, बांडवेशा,
3. नूरुल/नूरुल,
4. पनी देशी/प्रभाग्य जात, झिंगलपुर,
5. हसीमा/हलीम, मुसलमान

(3) 7 इंदिरा आवास का भौतिक स्थापना नहीं किया जा सका:

1. भूमी देशी/केकार जात, गीठवेशा,
2. लहरा/आजाद मुसलमान, ठंडर का ठेर,
3. साहेबा/दीव मुसलमान, अमेठकर नगर,
4. दीनी/साहा मुसलमान, अमीर नवीन की बस्ती,
5. खाटू/सिद्धू मुसलमान, अमीर मोहन की बस्ती,
6. उर्फेल/सामन मुसलमान, ठंडर का ठेर,
7. खाटीजा/सायाब मुसलमान, ठंडर का ठेर

(4) 6 इंदिरा आवास अपूर्ण पाए गए:

1. खेजू/माता मेधवाल, बामगोर भनुसाह
2. गोली/गोपा जात, अमिरगढ़
3. हरिया/हरी जात, अमीरगढ़
4. हाजी/अकबर भनुसाह, अमीरगढ़
5. सताउं/खेजू मुसलमान, बांडवेशा
6. कैमरा/जात, बांडवेशा

(5) 2 लामाबाहिरों द्वारा राशि अपूर्ण मुआमला करके की आवश्यक की गई:

1. कमला/भूमा मेधवाल, बामगोर भनुसाह
2. राजनी/मूला मेधवाल, झिंगलपुरा

जांच निष्कर्ष एवं प्रस्तावित कार्यवाही:

(1) 5 इंदिरा आवास जांच दल को लोकेट नहीं हो पाए, उनकी जांच कर लोकेट कराए जाए और यदि ये आवास लोकेट नहीं हो पाते हैं तो इन पर व्यक्ति के लिए उत्तरदायित्व निर्धारित कर बुलबुली की जायेगी।

(2) जिन 7 इंदिरा आवासों का भौतिक स्थापना नहीं हो सका है, उनका भौतिक स्थापना कराए जाए और यदि कोई अनियमितता पाई जाती है तो संबंधित कार्यक्षेत्र के विशेष कार्यवाही की जाएगी।

(3) 6 अपूर्ण इंदिरा आवासों को पूर्ण कराया जाएगा।

(4) तो लामाबाहिरों द्वारा अपूर्ण मुआमला करके की आवश्यक की गई है, इंकी जांच की जाए एवं संबंधित कार्यक्षेत्र का उत्तरदायित्व निर्धारित किया जाएगा।

XXVII
भाग-3
अध्याय अनुच्छेद 19:
1. रोक़ के पुरुषकार:
ग्राम पंचायत बागमोह की नरेगा रोक़ के पुरुषकार में दिनांक 21.02.2011 को नकद 139 रुपये अदालत बरामद गया था जो सरकारी पर सही पाया गया एवं जयचुष धारा ग्रामीण बैंक कंपनीली-नंबर 1002522 में 80,715 रुपये शेष बरामद गया जो खतरे की पासबुक के अनुसार नहीं था। रोक़ के पुरुषकार में दिनांक 02.04.2010 से 21.02.2011 तक की प्रतियों पर संजय-धारा दस्तावेज नामकरण गये। रोक़ के पुरुषकार के अनुसार दिनांक 11.5.2007 से 16.5.2008 तक नरेगा को नकद में मुहूर्त मिल गया था। उसके बाद से जयचुष धारा ग्रामीण बैंक के मायम्स से मजबूत का मुहूर्त मिल जा रहा है। नरेगा आपूर्तिकर्ता फतह के दिनांक 16.7.2009 तक दिनांक चैक से मुहूर्त मिल गया है। उसके बाद अन्य एतिहासक बैंक से मुहूर्त मिल गया है।

2. स्टॉक रजिस्टर:
ग्राम पंचायत द्वारा स्टॉक रजिस्टर का संगठन मंचाचारी राज नियम 1996 के नियम-239(1) व (2) द्वारा नियामित प्रक्रिया के अनुसार सामग्री संगठन मिल जा रहा है। इस नियम के अनुसार सामग्री का लेख प्रत्येक मद दे के लिए पुरुषकार रखा जाएगा। समान वार्षिक गांव-पंच अनुसार जाना किया जायेगा तथा सामग्री के नियम के लिए समुदाय अभिव्यक्ति की जाएगी तत्काल स्टॉक रजिस्टर में सामग्री किसी और बिल्कुल प्रविष्ट नहीं की जा रही है। ग्राम पंचायत द्वारा सामग्री के लिए मांग पत्र जारी नहीं किया जाता एवं रसीद प्राप्त नहीं की जाती है।

3. परिसमस्थित नया संस्था विमुख रजिस्टर:
ग्राम पंचायत द्वारा नियमानुसार कार्यालय परिसमस्थिति का विवरण संबंधित किया जा रहा है। परिसमस्थिति में उच्चतम बौटा नियम 264 है। कानून पर समय चलने का भी पूर्व इन्तजार नहीं किया जा रहा है। परिसमस्थिति नया संस्थान विमुख रजिस्टर अनुपूर्ण है।

4. कार्यालय पर चूना बोर्ड:
ग्रामीण विकास एवं पंचायती राज विभाग के आदेश कामकाज एक 4(16) ग्रामिः/ग्रामी�. /नरेगा/06 दिनांक 27.03.2008 के निदुंस संख्या 7.3.1. आदेश कामकाज एक 4(16) ग्रामि�/ग्रामी�. /नरेगा/06 दिनांक 14.11.2008, आदेश कामकाज एक 4(5) आरडी. /नरेगा/2009-10 दिनांक 30.09.2009 से द्वारा ग्रामीण कार्यालयों पर पूर्ण विवरण मूल करणा पटक लगाने के निर्देश जारी किये गये हैं। जांच के दौरान यदि या की निर्देश का पूर्ण अनुपालन नहीं की जा रही है। कई कार्यालयों पर सूचना बोर्ड नहीं लगे रहे हैं।

5. श्रमिकों के फायदे के लिए बैंक नियम नहीं कालना:
ग्रामीण विकास विभाग के पत्र कामकाज एक 4 (32) आरडी/आरडी. /एनआरआई/ /ग्राम-3/07-08 दिनांक 18.06.2007, कामकाज एक 2 (22) आरडी. /नरेगा/06-07 दिनांक 18.02.2009 एवं कामकाज एक 2 (64) ग्रामिः/ग्रामी�. /नरेगा/09 दिनांक 27.07.2009 द्वारा आर्थिक कृत.
फर्मों से सामानी क्रय नहीं करने तथा सामानी क्रय पक्के बिलों पर जिसमें टिन नम्बर उपलब्ध हो से ही करने के निर्देश जारी किये गये थे।

पांचवे दशा प्रांगणपात बांग्लादेश में सिस्टम 2 फर्म जिनके द्वारा निर्माण कार्यों के लिए सामानी आपूर्तियों की जा रही है, का सामानी संपत्ति किया गया। परंतु एक भी फर्म मौखिक पर नहीं मिली। इस तीन फर्मों द्वारा आपूर्तियों की गई निर्माण सामग्री खाना पेंट, बक्से, शूटिंग, गिटर आदि के लिए प्रांगणपात द्वारा गुणवत्ता की गई राशि का वर्धान, विद्युत विनाशनुसार (रंगिन-12 एवं 13):--

<table>
<thead>
<tr>
<th>क्र.स.</th>
<th>फर्म का नाम</th>
<th>पुनरावृत्त की गई राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>गैसर्स चनानखा मुसा खा बांग्लादेश</td>
<td>3,93,917</td>
</tr>
<tr>
<td></td>
<td>कॉलेक्शन</td>
<td>3,93,917</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>क्र.स.</th>
<th>फर्म का नाम</th>
<th>पुनरावृत्त की गई राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>गैसर्स चनानखा मुसा खा बांग्लादेश</td>
<td>16,95,996</td>
</tr>
<tr>
<td>2</td>
<td>गैसर्स हरनान इंजिन भरती, घरीमना</td>
<td>32,400</td>
</tr>
<tr>
<td>3</td>
<td>गैसर्स मोहनद बांग्लादेश</td>
<td>59,774</td>
</tr>
<tr>
<td></td>
<td>कॉलेक्शन</td>
<td>17,87,570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>क्र.स.</th>
<th>फर्म का नाम</th>
<th>पुनरावृत्त की गई राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>गैसर्स चनानखा मुसा खा बांग्लादेश</td>
<td>15,07,000</td>
</tr>
<tr>
<td></td>
<td>कॉलेक्शन</td>
<td>15,07,000</td>
</tr>
</tbody>
</table>

उसके तीनों फर्मों को मूल्यांकित हैं एवं इनके पास दिन (PAN) भी नहीं है। यदि पर ग्राम बांग्लादेश की दोनों फर्मों उपलब्ध नहीं है।

उसके तीनों फर्मों को समस्त गुणवत्ता विश्वास चेक से किये गये हैं। राशि 1000/- से अधिक का नकद गुणवत्ता करना राजस्थान पंचायती राज नियम 1996 के निर्देशों का उल्लेखन है।

वर्ष 2007-08 से 09-10 तक 35.96 लाख की सामग्री उपलब्ध की गई है।

जान निम्नलिखित:--

1. ग्राम पंचायत द्वारा राज्य संस्थान के निर्देशों की अवहेलना में निर्माण सामग्री क्रय पूर्व पुनरावृत्त की कार्यवाही की है इसके लिए उत्तरदायित्व निर्धारित किया जाकर नियमानुसार कार्यवाही की जानी चाहिए।

2. ग्राम पंचायत बांग्लादेश द्वारा निर्माण संस्थान क्रय की गई निर्माण सामग्री क्रय पूर्व आपूर्तियों की पूर्व विवरण वाणिज्यिक कर किया जाकर एवं बिजनेस वाणिज्यिक पूर्ववर्ती कार्यवाही की जानी चाहिए।

3. गैसर्स चनानखा मुसा खा बांग्लादेश द्वारा प्रस्तुत वित्त/बाउसर्स सिस्टम पेंट क्रय की गई है, की अवस्था का पता करने का भी साक्ष्य किया जाना चाहिए।

[Signatures]
6. निविदा के माध्यम से सामग्री कर नहीं करना :-

ग्राम पंचायत द्वारा जांच के दौरान निविदा के माध्यम से दरें प्राप्त कर सामग्री कर की प्रतिबंध प्रस्तुत नहीं की जायेंगी। ग्राम पंचायत द्वारा राजस्वमणि पंचायती राज नियम 1996 एवं सामान्य वित्तीय एवं लेखा नियम भाग-11 के प्रावधानों की अनुपल्ली में खुली निविदा के माध्यम से प्रतिसाधन दरें प्राप्त कर का निर्धारण सामग्री कर की जानी चाहिए थी। ग्राम पंचायत द्वारा निविदाओं की अनुपल्ली में दिना प्राशन के निर्धारण सामग्री कर की गयी है।

7. सामाजिक अंकेक्षण समिति को कार्यालय पत्तानवालों एवं रिकॉर्ड उपलब्ध नहीं करना :-

महानगर गांधी राष्ट्रीय प्रांभ रोजगार एवं अंतर्जातिक अनुदान -2005 की भाषा 15 (5) (डी) एवं अनुसूची-1 के पृष्ठ 13 (डी) (प) (व) के अनुसार सामाजिक अंकेक्षण समिति को कार्यालय अधिकारी द्वारा नरहा कार्यालयों से संबंधित समस्त रिकॉर्ड एवं कार्यालय पत्तानवालों की प्रति 15 दिन पूर्व में उपलब्ध करावाही जाना चाहिए। ग्राम पंचायत ग्रामगृह में दिनांक 03.03.2011 को सामाजिक अंकेक्षण ग्राम समा आयोजित की जानी थी एवं सामाजिक अंकेक्षण समिति को 15 दिन पूर्व रिकॉर्ड एवं कार्यालय पत्तानवालों उपलब्ध करावाही थी परंतु दिनांक 03.03.2011 तक सामाजिक अंकेक्षण समिति को अंकेक्षण अधिकारी एवं विकास अधिकारी, धरोहर द्वारा कोई रिकॉर्ड एवं पत्तानवालों उपलब्ध नहीं करावाही गयी। (पद्धति-14)

परिणामस्वरूप ग्राम पंचायत में सामाजिक अंकेक्षण का कार्य नहीं हो सका एवं सामाजिक अंकेक्षण ग्राम समा में सेषता द्वारा रिकॉर्ड प्रस्तुत नहीं की गई। सामाजिक अंकेक्षण कार्य एवं ग्राम समा का आयोजन केवल औपचारिकता मात्र था। जांच दल को सामाजिक अंकेक्षण ग्राम समा को वीडियोमूव्यू पत्ता नहीं कराई गई। दिनांक 03.03.2011 को ग्राम पंचायत ग्रामगृह में सामाजिक अंकेक्षण ग्राम समा का आयोजन किया गया था। इसी दिन श्री मंगलारम पुत्र नेपालपाल जाली में में ग्राम-ग्रामगृह संबंधित स्वामीं नोएडा में नोएडा में श्री मंगलारम के दोनों पैर दूर गए। इस मात्रा पुलिस नाम स्वास्थ्य भोजीनामं में दिनांक 03.03.2011 को प्रथम सूचना रिपोर्ट दर्शित कराई जा चुकी है जिस पर पुलिस अंतर्जाति अंकेक्षण चल रही है।

श्री मंगलारम का पक्ष आत्मा ग्राम पंचायत ग्रामवास में स्थित है जिसमें दो करोड़ नहीं बनने नहीं बनाया एवं तीन करोड़ बनने बनने बनी है (पद्धति-15). दिनांक 09.03.2011 को जांच दल को श्री मंगलारम के घर पर गया पर घर पर रहा नहीं हुआ है। श्री मंगलारम का भाई श्री भूमिकेश्वर नेपालपाल ने अपने कराया कि श्री मंगलारम का इलाज बाबू ने चल रहा है एवं उनकी भाई भी उनके साथ ही है।

श्री मंगलारम का मेंदा ज़ोर्स कॉर्ट संसद 884 है एवं वर्ष 2009-09 में 17 दिन एवं 2009-10 में 26 दिन नरहा कार्यालय से कराई जा रही है जिसका संचालन निर्देश बनाया बनाया को दौरा पर अक्षम है। ग्राम विकास समिति के अनुसार श्री मंगलारम ने बनाया सरकार के बदले वर्ष 2010 में सरकार को चुनने लगा दिया जा रहा है। श्री मंगलारम का विनिवेशी श्री केंद्र समिति वेल्सर में ग्राम पंचायत ग्रामगृह में ग्राम-रोजगार सहयोगी है जिसके फाइर 11 दिन में सिर्त भूमिकेश्वर नहीं हुआ है। ग्राम में आत्मा से व्यवस्था करने पर यह तथ्य सामने आया कि वर्तमान सरकार श्री मंगलारम एवं श्री मंगलारम की बायो राजनीतिक टकराव रही है। श्री मंगलारम द्वारा अंकेक्षण के मेंदा में मुनाफा का अवधारणा अनुदान -2005 के अनुसार का अभिकार पहुंचने वाले 20 हजार पृष्ठों का सूचना चाहिए गई थी जिसका निर्देश निर्देश जाना सूचनाओं के घाट से अपनी दौरा दौरा है। इसी कम ने राज्य सूचना आयोजन द्वारा श्री मंगलारम को निर्देशित सुलभ लेते हुए 100 पृष्ठों की सूचना उपलब्ध करते हुए निर्देशित किया था जिसकी अनुपल्ली में विकास अधिकारी एवं अंकेक्षण
अधिकारी, पंचायत समिति धोरीमण द्वारा 100 पूँडों की चूना निर्धारित चुका जमा कर श्री गंगाश्रम को प्रस्तुत की जा चुकी है।

8. सहायक अधिवक्ता एवं अधिशासी अधिवक्ता द्वारा कार्य का निरीक्षण नहीं करना:–

राष्ट्र सरकार द्वारा जारी तकनीकी मार्गदर्शिका अनुसार गहरा गंगाश्रम ने नैना योजनाभारत में जाने वाले कार्यों के निरीक्षण के मानदंड इस प्रकार हैं –

1. सहायक अधिवक्ता: संख्याओं के क्षेत्र में चल रहे 2 लाख 50 से अधिक लागत के समान निर्माणाधीन कार्यों का उत्तीर्ण माह में एक बार आवश्यक रूप से निरीक्षण एवं माप पुस्तिका में साठापन करें।

2. अधिशासी अधिवक्ता: संख्या के क्षेत्र में चल रहे 10 लाख 50 से अधिक लागत के निर्माणाधीन कार्यों का प्रत्येक माह में कम से कम एक बार निरीक्षण आवश्यक रूप से निम्नानुसार किया जाएगा –

<table>
<thead>
<tr>
<th>निर्माणाधीन कार्य पर व्यय की गयी राशि</th>
<th>अधिशासी अधिवक्ता के पास पंचायत समितियों की संख्या 3 तक होने की स्थिति में</th>
<th>अधिशासी अधिवक्ता के पास पंचायत समितियों की संख्या 3 से अधिक होने की स्थिति में</th>
</tr>
</thead>
<tbody>
<tr>
<td>₹ 5 लाख से अधिक एवं</td>
<td>प्रत्येक कार्य का दो बार निरीक्षण</td>
<td>प्रत्येक कार्य का एक बार निरीक्षण</td>
</tr>
<tr>
<td>₹ 10 लाख से कम व्यय</td>
<td>प्रत्येक कार्य का दो बार निरीक्षण</td>
<td>प्रत्येक कार्य का एक बार निरीक्षण</td>
</tr>
<tr>
<td>₹ 15 लाख से कम व्यय</td>
<td>प्रत्येक कार्य का दो बार निरीक्षण</td>
<td>प्रत्येक कार्य का एक बार निरीक्षण</td>
</tr>
<tr>
<td>₹ 25 लाख से कम व्यय</td>
<td>प्रत्येक कार्य का दो बार निरीक्षण</td>
<td>प्रत्येक कार्य का एक बार निरीक्षण</td>
</tr>
</tbody>
</table>

सहायक एवं अधिशासी अधिवक्ता के द्वारा किये गए निरीक्षण को तभी गायब करें, जब उनके द्वारा निरीक्षण किये गये कार्यों के संबंध में उनके द्वारा संबंधित कार्य नाग पुस्तिका एवं कार्यस्थल पुस्तिका में कार्य की मान्यता, गुणवत्ता एवं तकनीकी मापदंडों की भीतक जान कर दिनांक सहित एकदा डिप्युटी अधिकारी कर हस्ताक्षर किये गये हो।

अधिशासी अधिवक्ता, जिला परिषद बाइब्ले (आयोजित पंचायत समिति धोरीमण) एवं सहायक अधिवक्ता, पंचायत समिति धोरीमण द्वारा उक्त निर्देशों की अवहेलना की गई एवं एक बार भी ग्राम पंचायत बाणगोर में कार्यों का निरीक्षण नहीं किया।

9. प्रमुख पंचायत बाणगोर पंचायत समिति धोरीमण एवं नेताजी योजनाभारत संबंधी निरीक्षण कार्य के अधिकारियों द्वारा निरीक्षण नहीं किया जाना:–

प्रमुख प्रादेशिक, प्रारूपिक विकास एवं पंचायती राज विभाग के परिषद कमेटी- 844 (प्रादेशिक एवं नेताजी योजना/संदर्भ/संकलन/0-06-07 विभाग 2203.2007 के निर्देशानुसार जीते के कार्य का जिले के संबंधित अधिकारियों द्वारा गायब निरीक्षण मापदंडों के अनुसार समय-समय पर किया जाना याददास निरीक्षण प्रतिदिन अगले उच्चाधिकारी को निरीक्षण अवधि के पश्चात 2 दिन के अन्दर प्रस्तुत करना अधिकार है। प्रत्येक निरीक्षण अधिकारी के कार्यालय में इस निरीक्षण प्रतिदिनों का रिकार्ड रखा जाएगा। कमिश्नर निरीक्षण प्रतिदिन में अधिकता की जानकारी जिनकी दूर करने हेतु प्रमुख सहाय उच्चाधिकारी का उल्लंघन निरीक्षण अधिकारी का होगा।

XXXI
बिस्तुत जाँच के दौरान सामने आया कि ग्राम पंचायत बाबुरों के नरेगा घोटालान्तरगत स्वीकृत निर्माण कार्य का अवधि 01.04.2008 से 31.12.2010 तक जिला कलेक्टर एवं जिला कार्यकर्म समन्वयक नरेगा, मुख्य कार्यकारी अधिकारी एवं अतिरिक्त जिला कार्यकर्म समन्वयक नरेगा, अधिशासी अधिकारी, सहायक अधिकारी, जिला परिषद बाबुरों द्वारा करी भी निरीक्षण नहीं किया गया। इसके अतिरिक्त विकास अधिकारी, पंचायत समिति, धोरैमा एवं कार्यकर्म अधिकारी नरेगा, पंचायत समिति, धोरैमा ने भी इस अवधि में नरेगा कार्य का निरीक्षण नहीं किया। राज्य सरकार द्वारा निरीक्षित मानदंडों के अनुसार निरीक्षण नहीं करने के कारण नरेगा कार्यों में गँगार अनिविषित तथा उल्लंघन का रूप से सुनिश्चित कर दिये गए।

राज्य सरकार द्वारा निरीक्षित मानदंडों के अनुसार निरीक्षण नहीं करने के कारण राजकीय धन की हानि एवं अनिविषित कार्य के लिए विदेशी लापरवाही के लिए पंचायत समिति में दिनांक 01.04.2007 से 31.12.2010 तक पदस्थापित हो गए विकास अधिकारी एवं कार्यकर्म अधिकारी पंचायत समिति, धोरैमा उल्लंघन कर दिये गए।

जाँच के निर्देश:

ग्राम पंचायत का राज्य सरकार द्वारा निरीक्षित मानदंडों के अनुसार निरीक्षण नहीं करने के कारण राजकीय धन की हानि एवं अनिविषित कार्य के लिए पंचायत समिति में दिनांक 01.04.2007 से 31.12.2010 तक पदस्थापित हो गए विकास अधिकारी एवं कार्यकर्म अधिकारी पंचायत समिति, धोरैमा उल्लंघन कर दिये गए।

दिनांक 01.04.2007 से 31.12.2010 तक पदस्थापित हो गए जिला कलेक्टर एवं जिला कार्यकर्म समन्वयक नरेगा एवं मुख्य कार्यकारी अधिकारी एवं अतिरिक्त जिला कार्यकर्म समन्वयक, जिला परिषद, बाबुरों नरेगा, धोरैमा एवं कार्यकर्म अधिकारी के रूप में अप्रवास लाभ से उत्तरदायी हो रहे हैं। वहीं कि इन्हें द्वारा ग्राम पंचायत का कोई निरीक्षण नहीं किया गया एवं इस ग्राम पंचायत के निरीक्षण एवं परीक्षण के लिए उत्तरदायी अधिकारियों से भी समय-समय पर ग्राम पंचायत में चल रहे निर्माण कार्यों की प्रभावी गौरवार्थिनी नहीं करवाई गई।

(नहीं सिंह गूर्ज) संयुक्त निदेशक निदेशालय सामाजिक अंशक्षण

(लोकसेवक जीनग) अधिशासी अधिकारी जिला परिषद गाँवाली

(सहायक लेखाधिकारी) सामाजिक अंशक्षण, जयपुर
2.7 Letter for action on inquiry report

राजस्थान सरकार
ग्रामीण विकास एवं पंचायती राज मिश्र (अनुमान-3, नरेगा)

एक 50(3) ग्रावि/नरेगा/सीएमओ/शि./2011

जयपुर, दिनांक 4 9 मई 2011

जिला कोलेक्टर एवं जिला कार्यकर्म समन्वयक,
महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी योजना,
जिला बाउडरे।

विषय: ग्राम पंचायत बामणोर, पंचायत समिति धोरीमना, जिला बाउडरे की विशेष जांच बाबत।

महोदय,

उपरोक्त विषयानुसार लेख है कि ग्राम पंचायत बामणोर, पंचायत समिति-धोरीमना, जिला बाउडरे के द्वारा महात्मा गांधी नरेगा योजना के अन्तर्गत करवाये गये कार्यों की जांच मुख्यालय से संयुक्त निदेशक, सामाजिक अंकेंशन के नेतृत्व में टीम गठित कर करवाई गई है। इस जांच पर कुछ आपत्तियाँ प्रस्तुत करने पर पुनः आप द्वारा टीम गठित करकर जांच करवाई गई है। आप द्वारा करवाई गई जांच के संबंध में कुछ बिन्दुओं पर स्पष्टीकरण चाहे गये थे, जो प्राप्त हो गये है। आपने अपनी जांच रिपोर्ट में लिखा है कि जिला स्तर पर गठित जांच दल के संयुक्त रिपोर्ट के परिपेक्ष में अनियमितताएं पाई गई हैं, परन्तु पूर्व जांच एवं पुन: जांच दोनों में अनियमितताएं एवं गलती की शिक्षा निर्देश नहीं मिली है। यह बहुत बिन्दुओं पर निष्कर्ष में भी भिन्नता है। अतः पूर्व जांच एवं पुन: जांच रिपोर्ट की समीक्षा कर दोषी अधिकारियों/कर्मचारियों/जनप्रतिनिधियों के विरुद्ध कार्यवाही हेतु दिशा निर्देश जारी करना का अधिकार रखते है।

दोनों जांच प्रतिवेदनों का परिपेक्ष किया गया। परिपेक्ष के बाद निमन्त्रण जारी करने हेतु आपको निर्देश दिये जाते हैं:

1. ग्रेवल सड़कों का निर्माण:- प्रक्रिया में संयुक्त निदेशक, सामाजिक अंकेंशन ने ग्राम पंचायत द्वारा वर्ष 2007-08 से 2010-11 तक बनवाई गई 6 ग्रेवल सड़कों के निर्माण में कमिया पाकर सूची बनाई। यह सूची रु. 190295/— सड़कों की लम्बाई मीटर पर कर होने, रु. 361750/— परिवहन दूरी कर होने एवं रु. 47438/— कमेप्रेक्षण में कमी पाये जाने के कारण निर्माण नहीं मिलाई गई है।

(i) सड़कों की लम्बाई में कमी:- आप द्वारा करवाई गई जांच में भी सड़कों की लम्बाई मीटर पर कम पाई गई है। अतः उक्त रु. 190295/— को वसूली योग्य बताया है तथा ग्राम पंचायत के सरपंच, ग्राम सेवक, ताकनी की सहायक एवं सहायक अभियोग, पंचायत समिति धोरीमना के विरुद्ध अनुशासनात्मक कार्यवाही करने की अधिशंका की है। संयुक्त निदेशक, सामाजिक अंकेंशन ने भी अपनी जांच रिपोर्ट में उक्तानुसार राशि वसूली योग्य बताई है। अतः सड़कों की लम्बाई में कमी की राशि रु. 190295/— संबंधित से वसूली की जाने एवं ग्राम पंचायत के सरपंच, ग्राम सेवक, ताकनी की सहायक एवं सहायक अभियोग, पंचायत समिति धोरीमना के विरुद्ध अनुशासनात्मक कार्यवाही की जाये। यदि संबंधित अधिकारी/जनप्रतिनिधि यह राशि 30 दिन में जमा नहीं कराते हैं तो उनके विरुद्ध इस राशि का गलत मानने हुए एकाईआर. दर्ज करवाई जाये।
(ii) सड़कों की ग्रेवल की मात्रा में कमी—आपके हालांकि गठित टीम ने ग्रेवल की मात्रा में कमी पाये जाने के बारे में लिखा है कि सड़कें देख से दो वर्ष पूर्व पूर्ण हुई थी। सार्वजनिक निर्माण विभाग के नियम तथा व्यवस्थित रूप से भारी बरसात, बारिश तथा पूलों के चलने से ग्रेवल की मात्रा में कमी आना सम्भावित है। अत: उपरोक्त कारणों से जो बस्तुओं निकाली है वह तर्कसंगत एवं स्वीकार्य नहीं है। अधिकार जिम्मेवार, सार्वजनिक निर्माण विभाग जीवांकुर के अनुसार ग्रेवल की सड़क की उम्र तीन से पांच वर्ष होती है एवं प्रति वर्ष 10 से 20 प्रतिवर्ष की मात्रा आना सम्भावित है। इस कमी का प्रतिशत उस सड़क पर चलने वाले यातायात, व्यापार भर नगर, औरत बरसात तथा ग्रेवल की गुणवत्ता पर निर्भर है। इस आधार पर आपके उक्त सड़कों के निर्माण को देख से दो वर्ष होने, तो अधिकारी चलाने, विगत वर्ष मार्ग वर्ष होने तथा सड़क पर चलने वाले यातायात को देखते हुए इन सड़कों का क्षय निरालामित निष्कम से कम माना है। अतः उक्त वस्तुओं निरस्त की जाती है।

(iii) ग्रेवल परिवर्तन:— इस संबंध में आपकी जांच रिपोर्ट में बताया है कि इन सड़कों के निर्माण में ग्रेवल कुर्सी कार्य से लाई गई है। सार्व, निर्माण विभाग द्वारा निर्माणित ग्रेवल कार्य ग्राम कुर्सी भी तथा ग्राम पंचायत द्वारा प्रस्तुत लॉड चार्ट अनुसार यहाँ से ग्रेवल परिवर्तन हुआ है। उक्त ग्रेवल कार्यों द्वारा वामनगर ग्राम पंचायत की ग्रेवल सड़कों की दूरी 55 से 60 किमी. के मध्य है। ग्राम पंचायत द्वारा औसत 55 किमी. की लॉड मापवनिका में दर्ज की गई है। तकनीकी कर्मचारियों द्वारा तकनीकी नामांकन सामने वाले लोकप्रिय वस्त्री गई है। उन्होंने कुछ सड़कों की स्थ्यकृति में लॉड कम आकृति की है।

एक ग्राम पंचायत वामनगर के सरपंच, ग्राम सेवक, कंगिन तकनीकी सहायक, सहायक अभियंता पंचायत समिति धोरिना द्वारा तकनीकी एवं वित्तीय स्वीकृति संस्थापित करने वाला है। ग्राम पंचायत वामनगर के सरपंच, ग्राम सेवक, कंगिन तकनीकी सहायक एवं सहायक अभियंता के विकल्प अनुशासनालीक मार्गवाही किये जाने की अनुमति की है। अपने अन्य रिपोर्ट में यह भी सुझाव दिया है कि सड़कों की लॉड में नामांकन तकनीकी एवं वित्तीय स्वीकृति को संलग्नित करके उक्त अनुभूति भुगतान रु. 361750/— को निर्माण किया जावे, अन्यथा यह राशि वस्तुओं में उत्तराधिकारी योग्य है। एक ग्राम पंचायत में सड़कों की लॉड के बारे में तकनीकी एवं वित्तीय स्वीकृति में उत्तराधिकारी संचालन करने एवं अनुभूति भुगतान रु. 361750/— को निर्माण करने की कार्यवाही की जाए तथा नियमित नहीं करने की अनुमति में उत्तराधिकारी की बस्तुओं की जावे।

(iv) सड़कों के कम्प्यूटर से कमी— आपके अन्य जांच रिपोर्ट में भी पूर्व जांच में बताई गई कंप्यूटर से कमी के वरीयता है तथा रु. 43100/— वस्तुओं दोषी बताया है। साथ ही अनुभूति भुगतान के लिए दोषी सरपंच, ग्राम सेवक, तकनीकी सहायक एवं सहायक अभियंता के विकल्प अनुशासनालीक मार्गवाही करने का सुझाव दिया है। अतः इसी अनुभूति रु. 43100/— संबंधित वस्तु के बारे में दोषी सरपंच एवं कर्मचारी/अधिकारियों के विकल्प अनुशासनालीक मार्गवाही की जावे।

2. व्यक्तिगत टांका निर्माण:—

(i) 12 व्यक्तिगत टांकों में होना होना:— संयुक्त निदेशक, सार्वजनिक अभियंता ने अपने रिपोर्ट में 12 व्यक्तिगत टांकों में होना होना बताया है। आपके अन्य जांच रिपोर्ट में बताया है कि 12 व्यक्तिगत टांकों में से 3 टांकों में नहीं होना होना बताया है। जब बताया होना होना होना है तो अनुभूति रु. 361750/— के अनुसार बाल नवंबर के अनुसार अनुभूति रु. 361750/— के अनुसार अनुभूति रु. 361750/— के अनुसार अनुभूति रु. 361750/— के अनुसार अनुभूति रु. 361750/— के अनुसार अनुभूति रु. 361750/— के
(ii) 18 व्यक्तिगत टंकों निर्माण कार्य प्रारम्भ नहीं हुआ — संयुक्त निदेशक, सामाजिक अंकेक्षण ने इन 18 टंकों का निर्माण कार्य प्रारम्भ नहीं होना बताया है। इन टंकों के निर्माण में भी आपने अपनी रिपोर्ट में बताया है कि मौके पर बांध का कार्य पूर्ण है तथा निर्माण सामग्री मौके पर पाई गई है। उन मौके में सिंचाई और डीजल/हाइड्रोलिक का कार्य किया जा सकता है।

(iii) 8 व्यक्तिगत टंकों नहीं बने हैं — संयुक्त निदेशक, सामाजिक अंकेक्षण ने इन 8 टंकों के निर्माण करने के लिए निर्देश नहीं दिए। इन टंकों का निर्माण में भी बांध का कार्य पूर्ण होना एवं मौके पर सामग्री भरने का लिए विशेष निर्देश नहीं दिया गया है। उनके लिए सर्चपंच ग्राम पंचायत बांधारों एवं ग्राम सेवक का उपयोग किया जाता है। उनका उपयोग करने के लिए आवश्यक सर्चपंच ग्राम पंचायत बांधारों, ग्राम सेवक, तकनीकी सहायता और अन्य आवश्यक कार्य होनी चाहिए। इनका उत्तरदायित्व निर्धारित करने के कार्य का पूर्ण होना है।

(iv) 4 व्यक्तिगत टंकों पर आंगर नहीं बनाया गया है — संयुक्त निदेशक, सामाजिक अंकेक्षण ने इन 4 टंकों को आंगर करने के लिए निर्देश नहीं दिया। आपने अपनी रिपोर्ट में लिखा है कि तलाश रही नहीं है। उनके लिए सर्चपंच ग्राम पंचायत बांधारों, ग्राम सेवक एवं तकनीकी सहायता का उपयोग किया जाएगा।

(v) 9 व्यक्तिगत टंकों के निर्माण में सीमेंट की मात्रा में अंतर — संयुक्त निदेशक, सामाजिक अंकेक्षण ने इन 9 टंकों के निर्माण में सीमेंट की मात्रा में अंतर पाया है। उनके लिए सीमेंट की मात्रा में सीमेंट की मात्रा में अंतर के लिए जरूरी है।

(vi) स्वीकृत स्थल से अन्यत्र टंका निर्माण — संयुक्त निदेशक ने अपनी जांच में रूपा/भीमा, चेन्नई/भीमा का टंका स्वीकृत स्थल से अन्यत्र होने का बताया है। उनके लिए सर्चपंच ग्राम पंचायत बांधारों, ग्राम सेवक एवं संयुक्त तकनीकी सहायता के लिए सीमेंट करने के लिए विभिन्न कार्यों का उत्तरदायित्व निर्धारित करने के लिए अन्यत्र रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए दोषी कार्यों का उत्तरदायित्व निर्धारित करने के लिए रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए दोषी कार्यों का उत्तरदायित्व निर्धारित करने के लिए रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए दोषी कार्यों का उत्तरदायित्व निर्धारित करने के लिए रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए दोषी कार्यों का उत्तरदायित्व निर्धारित करने के लिए रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए दोषी कार्यों का उत्तरदायित्व निर्धारित करने के लिए रूप में सर्चपंच ग्राम पंचायत बांधारों के निर्माण करने के लिए सीमेंट की मात्रा में अंतर पाया है।
सामग्री पाई गई है। अभी निर्माण कार्य पूर्ण होना नहीं पाया गया है। बादमेर में टांको की स्थीरता वर्ष 2007 में श्रम मद में ₹ 41900/-, सामग्री मद में ₹ 28100/- कुल ₹ 70000/- की जारी की गई थी। वर्ष 2008-09 से 2010-11 तक टांको की स्थीरता श्रम मद में ₹ 60000/- एवं सामग्री मद में ₹ 40000/- कुल ₹ 100000/- की जारी की गई है। नीचे वर्णित टांको के निर्माण हेतु स्थीरता राशि लगभग ₹ 100000/- प्रति टांका है। उपरोक्त बिन्दु संख्या 2(i) से 2(iii) में वर्णित कुल 38 टांको में से 3 टांके निर्मित है तथा शेष 35 टांको पर व्यय की गई राशि एवं मौके पर पाई गई निर्माण सामग्री की राशि का विवरण निम्नानुसार है :-

<table>
<thead>
<tr>
<th>क्र.सं.</th>
<th>टांको का विवरण</th>
<th>व्यय की गई राशि</th>
<th>मौके पर पाई गई सामग्री की राशि</th>
<th>कम पाई गई सामग्री की राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>श्रम</td>
<td>सामग्री</td>
<td>योग</td>
<td>श्रम</td>
</tr>
<tr>
<td>1</td>
<td>कुल 12 व्यक्तिगत टांके (3 टांके निर्मित)</td>
<td>214800</td>
<td>169180</td>
<td>383980</td>
</tr>
<tr>
<td>2</td>
<td>कुल 18 व्यक्तिगत टांके</td>
<td>423700</td>
<td>283533</td>
<td>707233</td>
</tr>
<tr>
<td>3</td>
<td>कुल 8 व्यक्तिगत टांके</td>
<td>189600</td>
<td>80448</td>
<td>270048</td>
</tr>
<tr>
<td>योग</td>
<td>828100</td>
<td>533161</td>
<td>1361261</td>
<td>299789</td>
</tr>
</tbody>
</table>

इन 35 टांको के लिए श्रम मद में ₹ 2100000/- एवं सामग्री मद में ₹ 1400000/- राशि स्थीरता है। जिसके पेटे श्रम मद में ₹ 828100/- एवं सामग्री मद में ₹ 533161/- का भूतान किया जा चुका है। सामग्री मद में ₹ 299789/- की सामग्री मौके पर पाई गई है तथा ₹ 233372/- की सामग्री मौके पर कम पाई गई है। खेत में भूमि सुधार कार्य, ढोला, मेट्सिंग, दरेजी, खाई खोदने एवं स्थानीय जानियों का बाद बनाने का कार्य कराकर जाना टांका निर्माण के तकनीकी के अनुसार श्रम मद में सामिल है। आपने अपनी जांच रिपोर्ट में मौके पर बाद कराकर मेट्सिंग का कार्य होना बताया है। श्रम मद में राशि ₹ 828100/- उक्त भूमि सुधार कार्य हेतु व्यय करना आपने अपनी रिपोर्ट में बताया है। मौके पर ₹ 233372/- की सामग्री कम पाई गई है। आपने अपनी रिपोर्ट में बताया है कि मौके पर ₹ 233372/- की सामग्री कम पाये जाने के लिए ग्राम पंचायत के सरपंच, ग्राम सेवक, तकनीकी सहायक एवं रोजगार सहायक का उत्तरदायित्व नियंत्रित किया जाये। यदि उक्त कार्य शीघ्र पूर्ण नहीं कराया जाता है तो उक्त 35 टांको पर श्रम एवं सामग्री पर व्यय समस्त राशि वसूली योग्य है।

अतः उपरोक्त 35 टांको के लिए मौके पर ₹ 233372/- की सामग्री कम पाये जाने के लिए सरपंच, ग्राम सेवक एवं ग्राम रोजगार सहायक, ग्राम पंचायत बालों तथा किनारे तकनीकी सहायक का उत्तरदायित्व नियंत्रित कर इनके बितृद्द्ह अनुशासनाधीन कार्यवाही की जाये। साथ ही इन टांको का निर्माण 60 दिवस में पूरा करवाया जायें। यदि 60 दिवस में उक्त टांको का निर्माण पूरा नहीं करवा सकता जाता है तो इन टांको के पेटे श्रम एवं सामग्री मद में भूतान की गई समस्त राशि की वसूली की जावे तथा राशि जमा नहीं कराने पर इनके बितृद्ध एक.आई.आर. दर्ज कराई जाये।

बिन्दु संख्या 2 (iv) से 2 (vi) के संबंध में आप अपनी रिपोर्ट में बताये अनुसार कार्यवाही करें। अथवा अनियमितता यथा इंद्रा आवासी के भौतिक सत्यापन एवं पूर्ण करवाये जाने
के बारे में भी आप अपनी रिपोर्ट के अनुसार कार्यवाही करें। संयुक्त निदेशक की जांच में सोकड़ पुस्तिका, स्टॉक रजिस्टर, परिसम्पत्ति मय संचयी व्यय रजिस्टर, कार्यस्थल सूचना बोर्ड, बिना निविदा के सामग्री कय एवं सामाजिक अंकेकण की पत्रावलियों के संधारण आदि के बारे में पाई गई कमियों के संबंध में आप अपनी रिपोर्ट हेतु दिये गये सुझावों अनुसार कार्यवाही किया जाना सुनिश्चित करें।

3. अपजिकृत फर्म से सामग्री कय करना एवं वेट नहीं काटना:— संयुक्त निदेशक, सामाजिक अंकेकण ने बताया है कि ग्राम पंचायत बामणौर ने वर्ष 2007-08 से वर्ष 2009-10 तक ग्राम बामणौर में स्थित दो फर्मों से नरंगा कार्यों के लिए सामग्री कय की गई है। भौतिक सत्यपति के दोरण कोई भी फर्म मोक्ष पर नहीं पाई गई। इन फर्मों में से एक में सारी चनाखे मूसाखे से उक्त अवधि में रु. 35.96 लाख का सामान कय किया गया है। इस फर्म के मालिक चनाखे मूसाखे वीपीएल चयनित है। घर पर भी कोई सामग्री/रिकॉर्ड उपलब्ध नहीं है। आपने भी अपनी जांच रिपोर्ट में बताया है कि इस फर्म के सामग्री आपूर्तिकर्ता स्वयं वीपीएल चयनित है एवं गांव में इसकी कोई फर्म नहीं है। घर पर सामग्री एवं रिकॉर्ड उपलब्ध नहीं है। उक्त फर्म बोगस है। अतः इस संबंध में आप संयुक्त निदेशक की जांच रिपोर्ट के अनुसार कार्यवाही करें।

अतः आप उक्तानुसार कार्यवाही किया जाना सुनिश्चित करें।

भवदीय

(सी.एस. राजन)
प्रमुख शासन सचिव

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. भुख्य सचिव, राजस्थान सरकार।
2. अतिरिक्त भुख्य सचिव, वित्त।
3. भूमिक सचिव, मुख्यमंत्री, राजस्थान सरकार।
4. निजी सचिव, माननीय मंत्री, ग्रामीण विकास एवं पंचायती राज विभाग।
5. निजी सचिव, प्रमुख शासन सचिव, ग्रामीण विकास एवं पंचायती राज विभाग।
6. निजी सचिव, आयुक्त एवं शासन सचिव, ईंजीएस।
7. निदेशक, सामाजिक अंकेकण निदेशालय, जम्मू।
8. अतिरिक्त जिला कार्यकर्म समन्वयक प्रथम, ईंजीएस एवं मुख्य कार्यकर्मी अधिकारी, जिला परिषद्, बांदेस।
9. संकेत पत्रावली।

अतिरिक्त आयुक्त (द्वितीय), ईंजीएस
Annexure 2.8 CB-CID report into allegations against Baburam Chauhan

XXXVIII
XXXIX
Annexure 2.9 Application for 'on-call security' by Baburam Chauhan

Dear Sirs,

This is to certify that I, Baburam Chauhan, residing at 32, Jodhpur Marg, Delhi, am in urgent need of an on-call security service.

This application is made on the grounds of personal security and the need for immediate assistance in case of any emergency. I have been living in Delhi for the past ten years and have always maintained a good record in terms of law and order.

I hereby request you to kindly consider my application and extend the necessary assistance. I assure you that I will abide by all the rules and regulations of your organization.

Thank you for your kind consideration.

Baburam Chauhan

Date: 01/08/2011
(2)

सहयोग करने से सम्बंधित तहसीलदर उपनिवेशन राजमह--2 का अध्यक्ष पदाधिकार करने के सम्बन्ध में श्रीमान आपदुबला उपनिवेशन वैकल्पिक को प्रेषित प्रार्थना पत्र दिनांक 2.03.11 एवं जानकारी में सम्बंधित प्रकरण में सम्बंधित तहसीलदर द्वारा की गई कार्यवाही से सम्बंधित पत्रवाही को प्रतिस्पर्धी सूचना के अंतर्गत अंतर्भाषित दिनांक 30.03.11 को प्रमुख पत्र प्रस्तुत कर बाँट है। (संवाद--13-16) इस कारण यह मुमक्षिक्षा-अतिक्रमण वर्ग का गई साधन है। यह संग्रहण अधिकतम अदालती सम्प्रति है। प्राधिक महाराज--बाबा इन्

मुमक्षिक्षा वर्ग के अनुसार राजस्व को निर्माणाधीन प्रार्थना पत्र स्वयंक्षेपित कर देते हुए प्राधिक के अन्तर्गत स्थापित रहने का स्वरूप देकर अथवा जिसी भी प्रकार से अन्यायी घटना प्रतिरोध कर अथवा करना संकेत है। प्राधिक के साथ ऐसी अन्यायी घटना घटित होने की स्थिति में भविष्य में जो कि इस प्रकार पत्र के संदर्भ में करते हुए इसका विवेकानुसार अन्य संघीय प्रविष्टि शीर्षक इस मुमक्षिक्षा-अतिक्रमण का शीर्षक है। इसके विवेक निर्माणाधीन सम्प्रति जो कि कार्यवाही की जाए। बाबाराज में प्राधिक इस प्रार्थना पत्र के जारी रखा उक्त प्रकरण में अर्थसाध्य मुमक्षिक्षा-अतिक्रमण

वर्ग का पालन करने में पुलिस-प्रशासन का अभ्यास स्वीकार करना नहीं आकर्षित है। प्राधिक अपनी सूचना के प्रति भी पुलिसयोग सज्जा है। यदि प्राधिक इस वर्ग का निर्माण साधन पाबंद करता तथा अतिक्रमण समझते हुए इस प्रकार पत्र के संदर्भ में पुलिस-प्रशासन पत्र प्रस्तुत कर देगा। तथा प्राधिक इस प्रकार

है। प्राधिक के साथ ऐसी अन्यायी घटना घटित होने की स्थिति में यदि इस प्रार्थना पत्र के संदर्भ में जारी रखी नहीं करने के सम्बन्ध में भविष्य में कोई काफी परीक्षण प्रकार होता है तो इसकी विवेकानुसार प्राधिक की व्यवस्था: होगी, पुलिस-प्रशासन की इसकी भी प्रकार की कोई बुद्धि नहीं मानी जाती का लिया देता है। प्राधिक इस प्रार्थना पत्र के जारी रखने के प्रदर्शन में किसी भी प्रकार से उत्पन्न बाहरे पर यथार्थ-गौरवी गंभीर सूचना उपलब्ध कराने का विवेक करना आकर्षित है।

अतः श्रीमानतारी विशेष घटना के अंतर्गत निवेदन है कि प्राधिक द्वारा सुख्ता वाले पर जैसे कौसल सुख्ता उपलब्ध

कराने की प्रक्रिया करवाए।

श्रीमानाधीन की अंत: खुशी होगी।

संबंधित

भविष्यवाद

संबन्ध: उपर्युक्तानुसार

बाबूराम चौधरी सुशि दिनांक साम्य दिनांक

अत: 1. श्रीमान रुपट गांवरियोक चौडहर।

2. श्रीमान रुपट कस्टोल जोधपुर।

3. श्रीमान रुपट गार्डनर बला जोधपुर।

(बाबूराम चौधरी)
Annexure 3.1 Court order in Goverdhan Singh's case

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. CIVIL CONTEMPT PETITION NO. 400/2010
IN
S.B. CIVIL WRIT PETITION NO. 2360/2010
Goverdhan Singh & Ors Versus State of Rajasthan & Ors

PETITIONER/APPLICANT
Goverdhan Singh son of Shri Bharat Singh, by caste Rajput, aged about 30 years, resident of nearby Narsingh Sagar Talab, Sarvodaya Basti, Bikaner, through Smt Sushil Kanwar wife of Shri Goverdhan Singh, by caste Rajput, aged about 26 years, resident of nearby Narsingh Sagar Talab, Sarvodaya Basti, Bikaner.

VERSUS

RESPONDENTS
2. Satish Chandra Jangid, presently Addl Superintendent of Police [City], District Bikaner.
3. Dharam Punia, presently S.H.O. of Nayashahar Police Station, District Bikaner.
4. Indra Singh, presently A.S.I., Police Station Nayashahar, District Bikaner.

S.B. Civil Contempt Petition No. 400/2010
(Goverdhan Singh v/s Sh. Surjeet Singh Meena and ors.)

IN

S.B. Civil Writ Petition No.2360/2010
(Goverdhan Singh and ors. v/s State of Rajasthan and ors.)

Date of order: 13/09/2010.

HON’BLE DR. JUSTICE VINEET KOTHARI

Mrs. Sushil Kanwar, present in person.

Mrs. Sushil Kanwar, wife of Sh. Goverdhan Singh is present in person as the lawyers are observing strike.

She submitted that when the order dttd.8.9.2010 passed by this Court in the writ petition was submitted to the respondent No.2- Satish Chandra Jangid, Addl. S.P.(City), Dist. Bikaner and respondent No.3 - Dharam Punia, SHC, Police Station Kayashtahar for Needyful compliance, they not only tore the certified copy of the order of this Court, but instead of complying with the same, asked the brother-in-law of the petitioner present in person Smt. Sushil Kanwar; and detained Sh. Poonam Singh for 4 hours and late in the evening on 9.9.2010 also registered a false FIR No.227/2010 against said Poonam Singh. The petitioner also submitted that they approached the Superintendent of Police, Bikaner, but
still the compliance of the order of this Court could not be made and the vehicle Tata Safari as well as key of the residential house of the petitioner has not been returned back to them and all this happening because the husband of the petitioner Mr. Goverdhan Singh, an RTI activist took up the cudgels against the respondents and sought certain information against them under the RTI Act. She also submitted that number of false FIRs has been lodged against her husband and family members and the respondents are hell bent upon harassing the family members of the petitioner. She has prayed that the respondents may be directed to remain present in the Court to report compliance of the directions of this Court and also an interim protection may be granted to the husband and other family members of the petitioner against the threatened arrest of said persons in the aforesaid false FIRs.

This Court passed a detailed order after hearing the petitioner on 8.9.2010 in presence of the respondent – contemnor Sh. Surjeet Singh Meena, Dy. Superintendent of Police, Police Station Sadar, Bikaner and since a responsible officer was present in the Court on the side of the respondents, it was naturally expected that the order would be communicated to the concerned persons for needful
compliance. However, the allegations made in the present contempt petition is that the respondents No.2 and 3 when presented the said copy of order of this Court not only tore the copy of the same, but did not comply with the orders of this Court.

This Court views such alleged conduct on the part of the respondents very seriously.

Issue notice of the contempt petition to the respondents.

Notice be given 'dasti' to learned counsel for the petitioner for effecting direct service upon the respondents. The direct service would mean that PF and notice after being sealed and signed by the Office Superintendent will be handed over back to the learned counsel for the petitioner. And it will be his responsibility to send the notices along with copy of this order and contempt petition with annexures by registered AD Post/Speed Post/courier to the respondent directly and if proof of postal receipt/original courier receipt/AD receipt is filed along with the affidavit of the counsel for the petitioner's in the office before the stipulated date, then the said service will be treated as
complete.

If proof of service is not filed before the next date as aforesaid, contempt petition shall be dismissed.

The respondents may:

(i) either report compliance of the judgment/directions for alleged non-compliance of which this contempt petition has been filed on the next date; and

(ii) If the respondents want to contend that compliance is not possible for specified reasons, they may pass appropriate speaking orders and file the same along with his reply affidavit before the next date.

No further time shall be granted to the respondents for this purpose.

All the four respondents – contemnors shall remain present in this Court on 16.9.2010 positively. The Superintendent of Police, Bikaner to whom the petitioners have also made a representation on 9.9.2010 vide Annex C/4 shall also remain present in this Court along with these four accused -contemnors on the next and apprise the Court about the reasons for non-compliance and conduct of the said four respondents as alleged in the contempt petition.
In the meanwhile, no coercive steps shall be taken against the petitioner, Poonam Singh, Hanuman Singh, Ranvijay Singh, and Narendra Puri.

A copy of this order be sent to all the four respondents and Superintendent of Police, Bikaner immediately and the same may also be supplied to the petitioner Smt. Sushil Kanwar today.

A copy of this order may also be placed in the file of the main writ petition.

Put up on 16.9.2010 along with the S.B.G.W.P. No.2360/2010.

 sel 

(DR. VINEET KOTHARI)
परिवाद
(सूचना का अधिकार अधिनियम 2005. धारा 17 के अंतर्गत)

सेवा में,

श्रीमान महामाहिम राज्यपाल
श्री शिवराज पाटिल
राजमहान, निविल लाईनस, जयपुर।

सन्दर्भ:
राजस्थान सूचना आयोग, जयपुर के मुख्य सूचना आयुक्त श्री टी. श्रीनिवासन के
विस्तृत भ्रष्टाचार निरोधक ब्यूरो में श्री सी.एस.ए. 1988 के तहत दर्ज फोजदारी
प्रकरण तथा सेवन न्यायाधीश, भ्रष्टाचार निर्वाण अधिनियम, बीकानेर जिला
भ्रष्टाचार का फोजदारी प्रकरण संख्या 57/2011 में टी. श्रीनिवासन, बगैरह के
विस्तृत पारित आदेश दिनांक 08.12.2011 के सन्दर्भ में।

विषय: 
भ्रष्टाचार प्रकरण संख्या 57/2011 अन्तर्गत धारा 13(1)(डी), 13(2) भ्रष्टाचार
निर्वाण अधिनियम, 1988 तथा 420, 466, 467, 468, 471, 187, 217, 218
राखित धारा 120वीं भारतीय दण्ड सहित, 1860 के प्रकरण में सूचना का
अधिकार अधिनियम, 2005 के तहत प्रवचन की गयी धारा 17 के तहत मुख्य
सूचना आयुक्त श्री टी. श्रीनिवासन के आयोगी क्रियाशील (किसी प्रकरण के दो
सेवन करने के लिए नियुक्त जाने के लिए) को दृष्टिगत रखने हेतु उक्त प्रकरण को रिकॉर्ड के
साथ माननीय उच्चतम न्यायालय में रेफरैन्स करने एवं निजिगते के सम्बन्ध में।

मान्यता,

उपर्युक्त विषय में लेख है कि प्राथमिक गोबर्धन सिंह ने एक भ्रष्टाचार का
परिवाद निम्न आयोग का भ्रष्टाचार निर्वाण अधिनियम के तहत गठित निरीक्षण न्यायालय जो
कि सेवन न्यायाधीश तर का है एवं बीकानेर(राजस्थान) न्यायक्षेत्र में कार्यरत है।
एक फोजदारी निर्देशन तथा परिस्थितियों पर सम्बन्धित माननीय न्यायालय के
सम्बन्ध
प्रस्तुत किया दिनांक 07.12.2011

न्यायालय विशिष्ट न्यायाधीश
भ्रष्टाचार निरोधक ब्यूरो मामला,
बीकानेर।

परिवाद संख्या…………………………/2011

गोबर्धन सिंह पुत्र श्री भरत सिंह पड़हार आयु 31 वर्ष, जाति-राजपूत, निवासी-गुरुसिंह सागर
लाल आ. पा. सत्यशाल वर्ती, बीकानेर।

……………………………………..परिवादी

बनाम

1. टी. श्रीनिवासन, मुख्य सूचना आयुक्त, राजस्थान सूचना आयोग, वित्त भवन, जयपुर।
2. सी.एस.ए. कौंसल, पूर्व मुख्य सूचना आयुक्त, राजस्थान सूचना आयोग, वित्त भवन,
जयपुर।
3. सतीशचन्द्र जांगिड, अतिरिक्त पुलिस अधीक्षक(शहर), बीकानेर।
परिवाद अंतर्गत धारा 190 सीआरपीसी

अपराध अंतर्गत धाराएँ 13(1)(ब), 13(2) प्रस्तावण का निवारण अधिनियम 1988 तथा 420, 466, 467, 468, 471, 167, 217, 218, 120वीं भारतीय दल्ला संहिता

श्रीमानजी,

परिवादी अपना परिवाद निम्नलिखित आधारों पर प्रस्तुत कर रहा है:-

1. यह कि परिवादी बीकार पर सिर्फ उपयुक्त स्थान पर निवास करता है एवं कानून में यूरी आस्था रखता है।

2. यह कि अभियुक्त संख्या 3, 4, 5 व 7 ने निम्नलिखित कर आपराधिक कृत्य करते हुए परिवादी के विरुद्ध माह 7 जून 2010 में कई शूटिंग करने वाले कर चुके हैं जो से शामिल एवं राष्ट्रीय अधीन उपचार से हुए जाने वाले नामक दिये गए हैं तथा परिवादी की नियमावली हित होने पर पत्रादि वोलकर राष्ट्रीय विधानसभा में गृह मंत्री श्री शाह आचार्य को निर्देश दिए एवं छात्रावेद दिये गए हैं। पुलिस महानिदेशक ने समस्त प्रयुक्त सीआईडी सीबी में कैश दिये गए थे।

3. यह कि परिवादी की पत्री श्रीमान शूटिंग केंद्र ने इस संबंध में सूचना का अभिकार अधिनियम 2005 के नहात विशेष 23 जून 2010 को एक प्रतिफलण-पत्र सूचना प्राप्त करने के लिए पुलिस महानिदेशक, राजस्थान ने पुलिस, पोलिस मुनिस्पल, जयपुर को दिया था। जिस पर कार्यवाह करते हुए पुलिस महानिदेशक (अपराध) ने लोक सूचना अभिकारी अभियुक्त संख्या 3 और अभिकार जागिर ने भेज दिया तथा अभियुक्त संख्या 4 अभियुक्त जागिर ने आर लोक सूचना अभिकारी अभियुक्त संख्या 3 सत्संघजन जागिर को भेज दिया के, कि अभियुक्त संख्या 3 व 4 भी सूचना का अभिकार अधिनियम 2005 के उद्देश्य लो।

4. यह कि अभियुक्त संख्या 3 तथा 4 का अभियुक्त संख्या 5 को बचाने की नीति से नियमों को ताक रखने अभाव की धारा 81(1)(ए) के तहत देख कर सूचना देने से इकस्कर का 10.11.211 इसी आधार पर अभियुक्त संख्या 4 एवं पुलिस महानिदेशक (अपराध), जयपुर की यूरी देने से इकस्कर कर दिया।

5. यह कि अभियुक्तकरण ने जनपद दर्शन निर्देश श्री मानव की वजह द्वारा चाही नई सूचना निर्देश अवधि ने 81(1) नहीं कारवाई।
6. यह कि सुधाना नहीं मिलने पर परिवार की पत्नी ने दिनांक 18.05.2010 को श्री प्रदीप कुमार व्यास, अधि. पुलिस महानिदेशक (अपराध), जयपुर को ध्यान 19 के तत्त्व प्रमाण अपील की। तब श्री प्रदीप कुमार व्यास ने भी अग्लोकलणों को बताने के गरज से जानबूझकर परिवार की पत्नी की अपील पर कोई सुनवाई नहीं करते हुए प्रमाण अपील को सही निश्चित नहीं किया।

7. यह कि परिवार की पत्नी ने प्रमाण अपील करने के बाद भी वाहिफ़ सुधाना नहीं मिलने पर दिनांक 16.07.2010 को अभियुक्त संख्या 2 श्री एम. डी. कोर्टी, भुवनेश्वर सुधाना आयोग, जयपुर के समस्या हितैषी अपील प्रस्तुत की। जिस पर दिनांक 27.08.2010 को राजस्थान सुधाना आयोग द्वारा एक पत्र पुलिस महानिदेशक (अपराध), जयपुर को लिखा गया जिसमें परिवार की हितैषी अपील का बिन्दुबाल उन्नी 21। दिवस के शीर्षर राजस्थान सुधाना आयोग एवं परिवार को भेजने का निर्देश दिया गया था, जाता ही यह भी बिहार विभाग ने दिये किए जाने का आयोग है।

8. यह कि अलीगढ़ एक कि धारा 20(1) में आयामक प्राधिकरण है कि यदि लोक सुधाना मांगकर दिनांक 30 दिवस की अवधि में सुधाना प्राप्त नहीं करते है तो लोक सुधाना मांगकर एवं दोषी अधिकारियों के वित्त 250/- रूपये प्रतिदिन एवं अधिकतम 25000/- रूपये सुधाना लगाना आवश्यक है। इसके वस्तुत जैसे जिपुलिस महानिदेशक (अपराध), जयपुर ने सुधाना आयोग को भत्ता बताते हुए बिन्दुबाल जवाब नहीं देता।

9. यह कि सुधाना आयोग ने बिन्दुबाल जवाब नहीं में निम्नलिखित 30.09.2010 का पुलिस महानिदेशक (अपराध) के उच्चायोगक उपविधिकारी पुलिस महानिदेशक, जयपुर को बिन्दुबाल जवाब में के लिए आदेश किया। इसके बावजूद भी पुलिस अधिकारियों ने बिन्दुबाल जवाब नहीं दिया।

10. यह कि राजस्थान सुधाना आयोग के पुलिस महानिदेशक, जयपुर को दिनांक 22.02. 2011 को दोपहर 12 बजे लगे तथा रूप से उपस्थित होने का आदेश दिनांक 21.12. 2010 को दिया। इसी आदेश में परिवार की पत्नी को भी सुनवाई चाहने पर उपस्थित रहने का कहा गया।

11. यह कि दिनांक 22.02.2011 को राजस्थान सुधाना आयोग की उपविधिक बैठक की सुनवाई में पुलिस महानिदेशक, जयपुर उपविधिक नहीं हुए एवं कांग्रेस पुलिस अधिकारियों को आयोग में भेजा दिया। उस दिन इलाहाबाद पुलिस की सुनवाई अभियुक्त संख्या 1 पहरी मूल्यांकन तथा अभियुक्त संख्या 2 एम. डी. कोर्टी कर रहे थे। परिवार की पत्नी को शिका कर सैनिकों के नियम में निम्नलिखित संख्या में जाने हुए थे।

12. यह कि अभियुक्त संख्या 1 और श्री तंबा तलियार अभियुक्त संख्या 2 एम. डी. कोर्टी की हितैषी अपील की सुनवाई 1 जो नहीं में की बलत सुकर आदेश पाया कर खुले में सुनाया। जिसमें अपील सत्य बताया कर सैनिकों के नियम से निकट से भविष्य के लिए चेतावनी देते हुए जोर, लम्बाई के रंगों के लिए 21 दिवस में निम्नलिखित सुधाना देने का आदेश दिया गया था। परिवार द्वारा आदेशों की प्रति के बारे में पूछे गए जवाब में नहीं हुए लिखे गए। परिवार हाशफव, नार्व 2011 में
28. यह कि परिवादी बीकनेह का रहने वाला है तथा उक्त बूटसाथित फर्जी दस्तावेज परिवादी के बीकनेह रियल आवास पर प्राप्त हुआ है अतः यह इस्तेमाल आपके क्षेत्राधिकार एवं श्रवणाधिकार में है।

29. यह कि अभियुक्तगण का यह उक्त कृत्य लोक सेवक के पदीय कर्त्तव्यों (Discharge of official duties) के अन्तर्गत नहीं आता। अतः अभियुक्तगणों को धारा 197 दण्ड प्रक्रिया सहिता का लाभ नहीं मिल सकता।

30. यह कि अभियुक्तगणों ने आपराधिक पड़क्षण रचक, परिवादी की पत्नी द्वारा बाढ़ गई सूचनाओं का जानबूझ कर दुर्भावनाय न देकर, पुलिसकर्मियों पर लगाने वाले दण्ड, जुर्माने एवं अनुशासनात्मक कार्यवाही से बचाने के लिए बेंगलुरु में कूटरचित दस्तावेज तैयार कर, बेवजह नृत्याकार आशय से नकली (कूटरचित एवं फाइल) आवर्द तैयार कर, लोक रजिस्ट्रेशन आदि की कृत्रिम नकल कर, लोक दस्तावेज नकल करने, परिवादी एवं अपने विवाह के साथ धौख-धौड़ी करने तथा अपने को राहत लाने वाले पहुँचाने एवं परिवादी को सदृश हानि पहुँचाने के लिए पद का दुरूपनाय कर, सूची लाभ प्राप्त कर, रिवेश की मदद से रक्षा प्राप्त कर, दस्तावेज को कृत्रिम रूप से जानाते हुए असली के रूप में उपयोग करने विशेष। इसके साथ-साथ अभियुक्त संख्या 1 व 2 ने परिवादी को क्षति कारणित करना तथा अन्य पुलिस कर्मी को बचाने के लिए अरुचि दस्तावेजों की रचना की एवं लोक दस्तावेजों को लिख कर दिया। इस प्रकार अभियुक्तगण ने 13(1)(डी), 13(2) वृद्धि नियामक अधिनियम 1988 तथा भारतीय दण्ड सहित का धारा 420, 466, 467, 468, 471, 167, 217, 218, 120वीं के तहत दण्डनीय आपराधिक कृत्य किया है।

अतः परिवाद पत्र प्रस्तुत कर निवेदन है कि इसे धारा 156(3) दण्ड प्रक्रिया सहिता के तहत पुलिस चौकी, वृद्धि नियामक ब्लॉक, बीकनेह को आदेश फर्मा कि प्रथम सूचना रिपोर्ट दर्ज कर बाद अनुसूचित रिपोर्ट व्याख्यान में पेश करें।
आपकी अती कृपा होगी।

दिनांक: 07.12.2011

परिवादी

गोकर्ण सिंह पुत्र श्री भरत सिंह पड़िहार नृसिंह सागर तालाब के पास, समाजदर्शी बससी, बीकनेह।

पिन - 334004

नागले ने माननीय सेवन न्या गांधी, ब्रह्मचारी नियामक अधिनियम, बीकनेह द्वारा
दिनांक ओ8.12.2011 को निम्न आदेश नियामक अधिनियम, बीकनेह द्वारा
जिसे मुझे प्रस्तुत करने के लिए आदेश गृह नियामक अधिनियम, बीकनेह
गोकर्णसिंह कलाम दी वार्निजासन वर्गीकर
किस्म मू। बाह्य प्रांग 57/2011

LI
8.12.11 परिवादी गोपाल सिंह स्वयं उपस्थित। लिपिक की रिपोर्ट व परिवाद का अपलोकन किया गया, परिवादी को झुकना गया, परिवाद दर्ज सचिवकार किया जायें।

परिवादी ने आरोपीगण गुप्त सूचना अवश्य कर अध्यक्ष के विरूद्ध पी.सी. एक्ट 1988 की धारा 13(1)(b)(2) एवं भारतीय दण्ड संहिता की धारा 420, 467, 468, 471, 167, 217, 218, 120-वी के तहत भें परिवाद को जाव स अनुसरण बाबत धारा 156(3) दण्ड प्रक्रिया संहिता के तहत एस.बी. वोटर, बीकानेर को प्रस्तुत करने की प्रश्नात्मक की।

परिवाद में उल्लिखित तथ्यों व संग्रह ऐसा अनिलेक्ष्य अवलोकन सबूत यह उल्लिखित प्रतीत होता है कि परिवादी वोट वाले बृहत चीनी बीकानेर को प्रस्तुत किया जायें। अमिता पुलिस अधीक्षक एस.बी. बीकानेर को आदेश किए जाते हैं कि वह प्रक्रिया में प्राथमिक जाव स की सरकार करने के तौर पर अपनाए नियम प्रक्रिया कर तपास कर चीनी बीकानेर की जायें व नतीजे से न्यायालय को अवगत करवायें। परिवाद के साथ संयुक्त वोट चालू बूथ पीरी को प्रस्तुत होता है। परिवादी की प्रति न्यायालय में रामी जायें तो तपास नतीजा ऐसा होना पर संयुक्त की जाबे।

देवेन्द्र जोशी
रोशन न्यायाधीश
प्रश्नार्थ निवारण अधिनियम,
बीकानेर

प्राथमिक मामले के तथ्यों, परिष्ठलितियों ने सू. 1-7 का अधिकार अधिनियम, 2005 के तहत कार्य करने वाला था कि 4.205 का अधिकार प्रवृत्ति जो वह प्रक्रिया में वर्तमान है, को उल्लिखित रूप से विभिन्न भारत सरकार के गर्भ अधिकारिक तरीके को चलाने के लिए लोक-सेवा कार्यक्रम 2005 के अधिनियम, 2005 के भाषा के विकसित कार्य किया जाने हैं। इसके अतिरिक्त, न्यायालय में अधिकार अधिनियम, 2005 के अधिनियम, 2005 की अनुसूची 7 तथा 17 निम्न प्रकार से टिकित की जा रही है। —

THE RIGHT TO INFORMATION ACT, 2005/23
CHAPTER - IV
THE STATE INFORMATION COMMISSION
राजस्थान सूचना आयोग, जयपुर के मुख्य सूचना आयुक्त श्री टी. श्रीनिवासन के द्वारा लोकसेवक होने के नाते मामले के तथ्यों, भर्तियों में पद के दुरुपयोग की जो कार्यवाही की गयी है उसको दस्तिगत रूप से तथा राजनीतिक रूप में उनके विकल्प दर्ज कर्तव्य का फौजदारी प्रकरण गठित किया गया था। श्रीनिवासन वगैरह जो कि संशोधन चैनल बनावट निवारण अधिनियम, बीकानेर जिला प्रशासन के द्वारा प्रस्तुत दस्तावेज गठित मामलों के लिए अधिकार प्राप्त करते हुए इसके साथ यह भूमिका विकसित विकल्प दर्ज कर्तव्य का प्रकरण संख्या 57/2011 जारी गया है तथा मामले में परिवहन आदेश दिन के 08.12.2011 के संदर्भ में अंतिम दागा 13(1)(बी), 13(2) कर्तव्य निवारण अधिनियम 1988 तथा 420, 466, 467, 468, 471, 167, 17, 218 लेखन धारा 1206 वीं भारतीय दर्पण संख्या। 1860 का प्रकरण श्रद्धार्य नियोजक बूथ, राजस्थान पुलिस, जयपुर के पास अनुसंधान की है।

इसका दस्तिगत रूप है: सूचना के अधिकार अधिनियम, 2005 के तहत प्रकरण की गयी धारा 17 के तहत मुख्य सूचना आयुक्त श्री टी. श्रीनिवासन के आपसीक नियोजक तथा प्रकरण के दो फौजदारी नियोजक रूप से दर्ज करते हुए प्रकरण की मानवीय उच्चतम न्यायालय में रेखांचे करने की कृपा करें। मामले में यदि कोई साधय मौखिक अथवा दर्जने वाली श्रीमान को अपेक्षित है तो आप उसका प्रस्तुत करने की उपेक्षा है।

श्रीमान ने ज्योति कार्यवाही की अपेक्षा करते हुए परिवार प्रस्तुत किया जा रहा है।
स्थान : जयपुर
dिनाक : 17.12.2011

परिवादी

श्री गोवर्णन सिंह

पुत्र श्री भरत सिंह पाठक
निवासी-नृसिंह सानर तालाब के पास,
सरोवर झरंगी, बीकानेर (रजस्थान)
मोबाईल : 09828440866
Email : goverdhan.rit@gmail.com

प्रतिस्थिति :–
1. सांगीतिक मुख्य न्यायाधीशत्थ श्री एस.एच. कपड़ाबिया सरोवर न्यायलेख, दिल्ली को बंद हटा है कि सूचना का अधिकार अधिनियम, 2005 अन्तर्गत धारा-17 के तहत यह परिवाद महामहिम राज्यपाल, राजस्थान को दिया गया है समाचार है कि यह आवेदन के प्रकरण की भांति कि अन्य राज्यों से भी श्रीमान को सम्बन्धित राज्यपालों के माध्यम से परिवाद प्राप्त हुआ हो, जिन्हें रेफरेंस के माध्यम से निस्तारण किया जाना होगा। ऐसी परिस्थिति में अधिकारी कर्मचारी करें सूचना का अधिकार अधिनियम, 2005 के अंतर्गत धारा-17 के तहत राज्य प्राप्त रेफरेंस के निस्तारण हेतु आवेदन करके नील करे ही गठित करने की कुशल करके जिससे भविष्य में अन्य मुख्य सूचना आयात अथवा अन्य सूचना आयुक्त पीठ गुणवत्ता में लगे देने वाले बहुत समय का लाभ उठाकर अपनी अन्य गतिविधियों को आगे जाने नहीं रख सके तथा उनका प्रकरण आजते ही त्यस्त क्षेत्र से सम्बन्धित रेफरेंस पीठ के समक्ष निस्तारण हो सके।

परिवादी

श्री गोवर्णन सिंह
(गोवर्णन सिंह)

संलग्न:
1. मुख्य सूचना आयुक्त श्री अंबाल श्रीनिवासन का अंपील संख्या 2765/2010 में असली आदेश दिनांक 22.02.2011
2. मुख्य सूचना आयुक्त श्री अंबाल श्रीनिवासन का अंपील संख्या 2765/2010 में नकल(फैकल) आदेश दिनांक 15.04.2011
3. दैनिक भाषकर न्यूज दिनांक 9 दिसम्बर 2011
4. राजस्थान पत्रिका न्यूज दिनांक 9 दिसम्बर 2011
5. दैनिक भाषकर — प्रदेश दिनांक 12. दिसम्बर 2011
6. दैनिक भाषकर — प्रदेश दिनांक 17 दिसम्बर 2011

LIV
Annexure 3.3 ACB's report into allegations against Rajasthan information commissioners


corporatebhawan, prastavantar, nirnayak, mumbai, rajasthan, jaypur.


LV
राज्य सुनाना आयोग से संबंधित रिकार्ड व स्पष्ट सुनाना के अभाव के बावजूद, आयोग की निर्देशन के अनुसार निम्न दिशाएँ निष्पक्ष दिए जाएंगी।

रिपोर्ट अवलोकनार्थ एवं उचित आदेशार्थ सेवाओं प्रस्तावित है।

सुनाना का अविभाज्य अभिविषयक 2005 की धारा 23:
"लिखित और विविध कार्यालयिक विवरण भी ऐसी बात में, जो इस अविभाज्य अभिविषयक के अभाव के कारण आयोग ने अपने अभिविषयक की अपनी राजस्वपूर्णता की गई है। यह नहीं कहा जा सकता कि की संभवतः न होगी।"

सुनाना का अविभाज्य अभिविषयक 2005 की धारा 23:
"लिखित और विविध कार्यालयिक विवरण भी ऐसी बात में, जो इस अविभाज्य अभिविषयक के अभाव के कारण आयोग ने अपने अभिविषयक की अपनी राजस्वपूर्णता की गई है। यह नहीं कहा जा सकता कि की संभवतः न होगी।"

इस प्रकार सुनाना का अविभाज्य अभिविषयक 2005 की धारा 23 का इवाल देखकर अपर कर्मियों को संबंधित कश्मीर खाने 1 से 4 तक का रिकार्ड उतारना नहीं करवाये जाने के कारण प्राधिकृत जिले के सचिव और निच्छात्र नहीं किया जाएगा।

5. जिला का प्राधिकृत निर्माण के अधीन परिक्षा की गई है।

5. सुनाना आयोग द्वारा परिक्षा की गई है।

1. में डिनाकर 22.02.11 एवं 15.04.2011 को दो अलग-अलग निर्माण कार्यों के प्रारूप है डिनाकर पर दिनाकर नहीं है।

2. आयोग में अप्रैल संख्या 2765/2010 की सुनाना डिनाकर 22.02.11 की हुई थी जो कार्य व पैमाने के कारण सुनाना नहीं है।

3. आयोग संख्या 2765/2010 डिनाकर 15.04.2011 की कार्य व पैमाने के कारण सुनाना नहीं है।

4. आयोग संख्या 2765/2010 की सुनाना आयोग में मूल प्रत्येक की कार्य व पैमाने के कारण सुनाना नहीं है।

5. आयोग संख्या 2765/2010 की सुनाना आयोग ने दिनाकर दिनाकर 22.02.11 को टांडा कर दिनाकर 15.04.2011 की हुई थी जो सटीक रूप से दिनाकर है।

6. सुनाना आयोग की अनुसार उस दिन डिनाकर 22.02.11 की सुनाना संख्या 2765/2010 नहीं है।
Annexure 3.4 FIR filed by Satishbhai Rana
To
Shri R.N. Das, IAS (Rtd)
Chief Information Commissioner,
Gujarat Information Commission,
Bureau of Economics and
Statistics Building, 1st floor,
Sector No. 18,
Gandhinagar

Respected Das Saheb,

Please refer to your letter dated 08/03/2011, regarding taking necessary steps in respect of MAGP representation of Bhanjibhai Jogal and Bharabhai Ghughal, in this case I had also received phone call from the RTI help line on 05/03/2011 evening and I had immediately responded and Mamlatdar, Upleta and PSI, Bhayavadar where inform to take immediate action against the Sarpanch of Dhank village, accordingly, on the same day the police complaint is lodged against the Sarpanch and sufficient protection is given to Bhanjibhai and Bharabhai. The District Development Officer, Rajkot is directed to take action against Sarpanch for allotting the Indira Awas Yojna, house, as he has committed to irregularity.

In view of the above you will be happy to know that I have responded to this case without losing any time and we have taken appropriate action.
D.O.No. GIC-COMP-507/2010-11,  
Dated March 19, 2011.

Dear

I thank you for your D.O.Letter No.PRO/RTI/PA/W.S./533-11 dated 14-3-2011 with reference to my letter dated 8-3-2011 regarding the complaint of Shri Bhanjibhai Jogal and Barabhai Ghughal.

I appreciate the prompt action taken by you in the matter.

With regards,

(R. N. Das)

Shri H.S.Patel, IAS  
Collector & District Magistrate,  
Jilla Sevasadan,  
Opp. Jamtower, Shroff Road,  
Rajkot-360 001.

Copy with a copy of the D.O.letter of the Collector, Rajkot to:-

Ms. Pankti Jog,  
Mahiti Adhikar Gujarat Pahel (MAGP)  
B-3 Sahajanand Towers,  
Jivaraj Park Cross Road,  
Ahmedabad.

(R. N. Das)
ANNEXURE 3.6 Letter to DSP in Bharatbhai-Bhanjibhai’s case

Gujarat Information Commission,
Premises of Economics & Statistics Building,
1st Floor, Sector-18, Gandhinagar.

Subject: Matter.

No. GIC-Comp. 507/2010-11,
Dated the 8th March, 2011.

To:
The District Superintendent of Police,
Raich (Bhavnagar at Post Rajkot, Dist. Rajkot.

Subject: Complaint dated 7-3-2011 received from Shri Ghunghal Bharatbhai Madhavjibhai & four others of Village-Dhank,
Taluka Upleta, District Rajkot.

I am directed to enclose herewith a copy of the above mentioned complaint received in the Commission. It appears that the complainant had sought and obtained certain information regarding the implementation of the Indira Avas Yojana (IAY) in his village. It also appears that the information received by the complainant revealed, inter alia, some irregularities in the implementation of the IAY in the said village for which the complainant approached the State Vigilance Commission, which ordered an enquiry into the matter. As per the complaint the complainant and the four others had received threats from certain persons for which an F.I.R., it appears from a copy furnished with the complaint, has been filed in the Police Station on 5-3-2011.

Separately, the Commission has also brought the above mentioned matter to the attention of the Collector and District Magistrate, Rajkot dated 8-3-2011.(Copy enclosed for ready reference).

I am directed to request you to look into the complaint and take appropriate measures as per law and the rules and to inform the Commission.

Yours faithfully,

K.S. Divan
Deputy Secretary.
Dear,

Please find enclosed herewith a letter dated nil received on 15.2.2011 from the Mahiti Adhikar Gujarat Pahel (MAGP) on the subject of difficulties being faced by the citizens regarding obtaining of information on P.D.S. in respect of Fair Price Shops.

2. It appears that in the particular application enclosed with the above mentioned letter, the applicant Shri Bhadresh Kumar B. Vamja sought information related to the APL quota of foodgrains and kerosene issued to the particular Fair Price Shop and alleged diversion of the APL quota by the Fair Price Shop Keeper, and that after the said application was made on 11.2.2011, the Vigilance Committee did make necessary enquiry but as stated in the said letter under reference, neither the details (names etc. and functions) of the Vigilance Committee were proactively disclosed at the village level/ Fair Price Shop level nor the stocks issued to the F.P. shops were proactively disclosed.

3. The Commission, in a number of its past decisions, has given directions to the concerned public authorities under your department for proactive disclosure of PDS related information under section 4 (1) (b) of the Right to Information Act, not only in the office of the Mamlatdar at the taluka level but also at the village level.

4. A copy of the proactive disclosure material at the village level/F.P.S. level which was prepared during the Panchmahals district Abhiyan in active collaboration with the Panchmahals district administration, the civil society groups in particular, the Mahiti Adhikar Gujarat Pahel (MAGP); the Commonwealth Human Rights Initiative (CHRI), Panchmahals; and the ANANDI is enclosed herewith for your ready reference. The proactive disclosure material is in two parts. Part – I deals with critical information which is more or less static, and is required to be painted on the walls etc. While Part – II deals with substantial information which may be dynamic and is, therefore, required to be revised periodically.

D.O.NO. GIC/MACP/2011-1

Dated February 17, 2011.

Phone: +91 79 232 52701 (Office) Fax No. +91 79 232 52829
Mobile: 94273 06088, E-mail: gcic.gujarat.gov.in, Wed-Site: http://intranet.guj.nic.in/gic

LXI
I would request you to consider the above mentioned proactive disclosure material for its adoption and implementation by your department and to issue necessary administrative instructions to the District Supply Officers, Mamlatdars and the F.P. Shop Licensees. I would be grateful if the result of your consideration of the above mentioned proposal and a copy of the administrative instructions are sent to the Commission within one month.

With regards,

Yours,

Encl. As above.

(L.N. Das)

Shri Raj Kumar
Secretary
Food, Civil Supplies and Consumer Affairs Department
Govt. of Gujarat
Sachivalaya
Block No. 14, 6th Floor
Gandhinagar.

Copy forwarded with compliments to:

1. Ms. Pankti Jog
   Mahiti Adhikar Gujarat Pahel (MAGP)
   B-3, Sahajanand Towers
   Jivraj Park Cross Road
   Ahmedabad – 380 051.

2. Shri Aslam Divan
   President
   Nagarik Adhikar Kendra
   Pashel Sarvajanik Trust
   Jagatamba Society
   Kadi
   Dist. Panchmahals – 389 330

3. Ms. Neeta Hardikar
   ANANDI
   Parekh Sheri
   Devgadh Baria
   Dist. Dahod.
પ્રવ્ય, 
સાહિબજાની,
ગુજરાત માધ્યમિક આધોગિક
અર્થશાસન અને ગણકારકશાસન બદલ
પટેલોમાલ, સેક્ટર-૧૮
ગાંધીનગર

\[ 7 \text{ MAR 2011} \]

બિજય:- માધ્યમિક આધોગિક 
સંદર્ભ:- આધોગિક ના તા. ૧૭/૨/૧૧ ના પતંગ નં. D.O.No GIC/ 
MAGP/2011-1

શ્રીમત, 
ઉપર્યુક્ત વિજય તથા સંદર્ભ અને આધોગિક માધ્યમ ના 
તા. ૧૭/૨/૧૧ ના પતંગ નં. D.O.No. GIC/ ગુજરાત સરકાર 
કાર્યવાહી ના પરિપત્ર ની નકલ આ સાથે જાળી માટ મોકલી આપવામાં આવે છે. જે 
બિજયતબી નિર્ણય છે.

lesai (સ્નીકિલસ મોડી) 
નામ શાહીલ 
અ.ન.િ. પદની ગુજરાત સરકાર
લક્ષણ વિચારવાય અભિવ્યક્ત કમણદ વિશ્લેષણી સ્થાપના કદાશારી ગરીબી (કાબરીસીઓ) જનતા માટે માધ્યમિક પ્રદાન કરવા લાગવાત

ગુજરાત સરકાર
અનનત માટે પ્રદાન કરવા અને ગરીબીસી આભારી નો વિનાશ
પરિપત્ર માનકનારી આદરીક/192010/40/1-1
સહિતાય, ગંધિનગર
ત.લ. 4-3-2019

પરિપત્ર

જાહેર વિચારવાય અંગિત અંગોના, આકૃટ્યોને ભૂલાવી ન પડે નીચે વસ્તુઓની જરૂરી પણેત દીન દયાલ આકાર બંદર માધ્યમથી પુરો પ્રદયાન આવે છે ભારત પૂરો પાડવામાં આવતો જેવો સમય ના મળવા આવતે, બાદના ખર્ચો ન મળવા આવતે ત્યારે ગુજરાતના આભારી પરિપત્ર માટે આવી હૈરાન હસતો આકારી શાખા તે માટે પણેત દીન દયાલ આકાર બંદર માધ્યમથી પૂરે મુજબ ની માધ્યમિક પરિપત્રી વાસી શાખા તે માટે હૈરાન હસતો લાગણી કરવા દેવે પણેત દીન દયાલ આકાર બંદર ની હૈરાન ના સંસાધન માટે આભારી નીચે મુજબ ની સુખના પરિપત્ર કરવામાં આવે છે.

1. સંભાળ ની હૈરાન ના સંસાધન માટે નીચે મુજબ માધ્યમિક દશકશાશ્વની રક્ષા.
   • લાખના ગરાજ ની નામ
   • હૈરાન સંસાધન ની નામ
   • લાખના મંજાર
   • હૈરાન પોથી સમય
   • હૈરાન કરવાનો સમય
   • અહિંસાદાત હેઠળ દીવસ હૈરાન મુજબ રક્ષા
   • લાખના ની તકલ
   • સ્ટોક રિઝર્સ
   ...

LXIV
-2-

- જૂદી જૂદી યોજના ના રેશનકાઇ ઘારો ની સંયમા.
- દરીયાદ રાજીચર
- વિદ્યા રાજીચર
- હૂ માગે રેશનકાઇ ઉપર મણિવાપાત-જીવયુ તથા તેમાં ખાયલ માંગતા ની માહિતી

2. ઉપર્યુંકત માહિતી હકારાત્મક સામાન્ય નાગરિકો આન પાસ કરીને વાંચવા માંગો. શેરી શાહે તે રાજેલી રાજયબાઈ રાહદી. શહેર વિદ્યા અભિયાન રૂપરેખા ના રેશનકાઇ ઘારો મીટિ સામગ્રી માટે આ પ્રકારની માહિતી પ્રદર્શિત થાય તે જીવયુ દ્વારાડારી જીવયુ પ્રદર્શિત કરવા પરમાત્મક સ્વતંત્રી ઓગની રાહે.

3. આ પરિસ્થિતિઓ અમલ પરિસ્થિતિઓ તારીખી કરવાની રાહે.

ગુજરાત રાજયસરકારના હકીકતી આને તેમના નામે

(સુખેશ મોદી)

નાવની સભ્ય

અનન્ત ના. પુ. અને પ્રા. આ. ની વિચાર

નકલ રચાયા:-

1. સદાશીની ના અંગત સભ્યશીલ, અ. ના. પુ. અને પ્રા. આ. વિચાર
2. નિયમકારી, અનન્ત ન. પુ. ની ક્રમેરી, વિભાગ ન-14, તમો માણ સભ્યશીલ, ગાંધીનગર
3. અનન્ત નાગરિક પ્રદવકા નિયંત્રણભારી અભિયાન શિક્ષણ, એમએસડી, અમદાવાદ.
4. લગ્ન થી ઘર પ્રવાસ અવિકારી ઓં,
5. સીલદ્ધ હાસૌ
IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WRIT PETITION (PIL) No. 65 of 2012
With
CIVIL APPLICATION No. 5649 of 2012
In
WRIT PETITION (PIL) No. 65 of 2012
With
CIVIL APPLICATION No. 4790 of 2012
In
WRIT PETITION (PIL) No. 65 of 2012
With
CIVIL APPLICATION No. 6534 of 2012
In
WRIT PETITION (PIL) No. 65 of 2012

For Approval and Signature:

HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA
HONOURABLE MR. JUSTICE J.B. PARDIWALA

1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder?

5 Whether it is to be circulated to the civil judge?

JAGTERAO – BRANCH OF SENIOR CITIZEN’S SERVICE TRUST – PETITIONER
Versus
CHIEF SECRETARY GOVT. OF GUJARAT & 1 – RESPONDENT

Appearance:
PARTY-IN-PERSON for PETITIONER : 1,
MR PK JANI, GOVERNMENT PLEADER for RESPONDENT : 1
MR KAMAL TRIVEDI, AG WITH MR SHIVANG M SHAH for RESPONDENT : 2
1. By this Public Interest Litigation, the writ-petitioner has prayed for the following reliefs:-

“a. Appoint within a period of two months seven Additional Information Commissioners; so as to have total staff of 10 Information Commissioners, including Chief Information Commissioner, in terms of sec. 15(2) of the Act.

b. Ensure that, in future necessary processing work is done in time so as to appoint new incumbent(s) on cession of the service period of the existing Commissioner(s).

c. To advertise for the post(s) of Information Commissioner(s), as and when necessary and appoint panel of election Committee for recommendation of candidates for appointment and select the candidates therefrom as per the provisions of the Act. And the whole process issuing advertisement to appointment of Information Commissioner should be completed in two month’s time [Ref Para 4.12].

The Chief Information Commissioner [Gujarat] to –

d. Reintroduce earlier formats of information [which prevailed as on 31st December, 2011] providing up to date information about receipt and disposal of cases month and year wise.
e. That the programme of one day camps of mass disposal of cases launched state wide being ultra vires of law is illegal and hence cases if any disposed off in such camps be re-examined as per the provisions of RTI Act, 2005.

f. Take strict actions in terms of Section 20 of the Act regarding “penalty” [Ref. Para 4.13[IV][A] and [B].

g. Personally reimburse the expenses incurred for illegally launching state wide camps for disposal of long pending cases.

h. Introduce hearing procedure through video conference.”

2. The case made out by the writ-petitioner may be summarized thus:-

2.1 The preamble of the Right To Information Act, 2005 [“the Act”] is enacted to promote transparency and accountability in the working of every public authority.

2.2 To file any complaint, it is essential to have full information and for that matter, the usage of the Act is required to be made vibrant. However, either on account of non-filling up of the vacancies of Chief Information Commissioner and/or Additional Commissioners, the proceeding under the Act has slowed down or almost stalled, with the result that the citizens continue to suffer on account of on-going corruption and consequently, corrupt people become fearless.

2.3 Therefore, it is necessary to have not only adequate posts of Information Commissioners but also to see that the posts do not remain vacant.
2.4 However, with the recent appointment of new Chief Information Commissioner, he has introduced such changes that whatsoever information was made available through the website to the public at large has been withdrawn. Earlier, on the website of the Commission, the information about the receipt, disposal and pending cases of appeals and complaints was available but the said formats earlier used have been withdrawn. Introduction of the new formats hardly gives any information which was earlier available.

2.5 The Commission has stopped giving up to date position of the pending number of cases. The Central Information Commission on its website displays details about the pending cases so as to make the appellant know about the status of his appeal. Gujarat Information Commission’s website does not give the information and also does not acknowledge or give token number of the appeals.

2.6 Recently, the Commission has issued Circular/letters to the Government Departments informing them that it proposes to arrange number of camps on different dates at difference places, when at a time, 200 appellants or the complainants would be called, to dispose of the appeals or the complaints.

2.7 The camps organized for mass disposal of RTI appeals and complaints not only make mockery of the RTI Act but are also in
violation of the provisions of the Act and the Rules framed thereunder. There is no provision which permits such mass disposal of cases. The Chief Information Commissioner has no such power to introduce the procedure beyond the one laid down for disposal of appeals and complaints under the Act including what is stated in Section 18[3] of the Act.

2.8 The Chief Information Commissioner is required to function as a Court and not like an IAS bureaucrat running the State Departments for the innovative programme introduced by the fertile mind of the Chief Information Commissioner [“CIC”].

2.9 The Government of Gujarat is bent upon to see that it employs every trick to see that the information which can be sought under the Act is hardly made available to the citizens in reasonable time. With the introduction of the Act, States like U.P., Maharashtra and Punjab initially appointed 11, 6 and 9 Information Commissioners respectively whereas the Government of Gujarat appointed only 1 Chief Information Commissioner. Similarly, only in 2009, when one late Amit Jethwa, an RTI activist who was murdered opposite the gate of the Gujarat High Court filed a PIL, the government appointed two Additional Information Commissioners. In the year 2011, the post of Chief Information Commissioner remained vacant for five months and also that of Additional Information Commissioner for two months, with the result, the Commission was working with one sole
Information Commissioner for months together and only after filing of a writ-petition by the present petitioner, the government filled up those two vacancies.

2.10 The Right to Information activists from across the State are frustrated because of highly unsatisfactory performance of the Commission on account of meager disposal of cases, obviously because of inadequate number of posts and unfilled vacancies for months together, despite huge arrears of work. As a result, the appeals remain undisposed of for more than five years.

2.11 As on December 2011, over 8000 cases were pending and in subsequent three months, the Commission must have received additional cases. No data except disposal of 127 cases in January 2012 and 107 cases in February 2012 is available on the website of the Commission. This makes it clear that position of arrears of cases must have far increased. The petitioner has sought up to date position vide RTI application dated March 5, 2012 but the information is awaited.

3. This application is opposed by the State-respondents by filing affidavit and the defence of the State-respondents may be summed up thus:-

3.1 In the past, the petitioner filed another Public Interest Litigation
being No. 118 of 2011 and the same was disposed of by directing the State Government to take into consideration the number of pending appeals and other complaints after the period of four months from that date and to take a decision as to whether there was any necessity of appointing Additional Information Commissioner having regard to the number of pending appeals and other complaints after the expiry of four months from that date.

3.2 The State Government is of the opinion that no Additional Information Commissioners are required to be appointed as presently three Commissioners are working in full swing.

3.3 Over and above, the establishment and creation of the post in question is long-drawn procedure and for appointing persons at such important position, a detailed scrutiny is required to be undertaken. Necessary budgetary allocations are also required to be planned and made and considering the number of matters pending, the State Government is of the considered view that at present three officers are sufficient to deal with the pending cases.

3.4 The writ-petitioner has no locus standi to question the decision of the State Government which is administrative in nature and therefore, the application is liable to be dismissed.

3.5 This Court, vide its order dated May 3, 2012 directed the
respondents to file an affidavit disclosing therein whether the information published in the newspaper “Gujarat Samachar” that the respondent no.2 was disposing of the matters by way of Lok Adalats, was correct or not and if it was correct, to disclose the provision of the Act under which such recourse was taken.

3.6 Pursuant to such direction, the respondent no.2 affirmed the affidavit stating therein that under the programme of special drive, no hearing of Second Appeals was made but on the basis of the reports received in certain number of cases, the Commission took decisions in the pending appeals and complaints. According to the said affidavit, the programme was arranged to arrive at voluntary settlement of appeals or complaints through the medium of dialogues between the applicants and the concerned officers. Further, the idea is to have dialogues between the parties concerned so as to have voluntary settlement of the appeals or complaints. It is further contended that if the parties did not agree to arrive at a settlement, no matter was disposed of on the basis of such special drive.

3.7 The petitioner, by filing further application, prayed for a direction upon the State-respondent to take strict action in terms of Section 20 of the Act regarding penalty.

4. Mr. Praful Desai, the President of the petitioner, appearing in person has strenuously contended before us that having regard to
number of pending cases and appeals, this Court should immediately pass a direction for making appointment of at least 10 Information Officers, the maximum number created by the Statute. According to Mr. Desai, otherwise, it would take huge amount of time for disposal of the cases.

5. Mr. P.K. Jani, learned Government Pleader, appearing with Mr. Rashesh Rindani, learned AGP on behalf of the State-respondent and Mr. Kamal B. Trivedi, learned Advocate General appearing with Mr. Shivang M. Shah, appearing on behalf of the respondent no.2-Commission have, on the other hand, opposed the aforesaid contention of Mr. Desai and submitted that the pendency of the matters arose in view of the vacant position of the officers for few months. According to them, since all the three officers have now been appointed, the pending matters would be disposed of within a short period of time. According to the learned Advocate General, out of 1047 applications received during the period between March 2012 and May 2012, 539 applications were disposed of already at the stage of admission by exparte order; in 158 cases, the applications concerned were not found fit for admission for want of necessary papers and the details and documents had been asked for. Number of applications admitted for detailed hearing by the Commission was only 296 and thus, all the complaints and appeals will be heard out within two to three months from the date of the admission. According to the learned counsel for the respondents, there is no necessity of
appointing any or creation of further post of Information Officers.

5.1 Mr. Jani, learned Government Pleader further submits that this Court, sitting in jurisdiction under Article 226 of the Constitution of India cannot pass any direction for creation of post which is within the exclusive domain of the Executives and thus, the prayer made in this application cannot be entertained by this Court.

5.2 In support of his contention, Mr. Jani relied upon the decision of the Supreme Court in the case of *Divisional Manager, Aravali Golf Club and Another v. Chander Hass and Another*, reported in [2008] 1 SCC 683 and another decision in the case of *Official Liquidator v. Dayanand and Others*, reported in [2008] 10 SCC 1.

6. Therefore, the questions that arise for determination in this application is whether having regard to number of pending cases, this Court can pass any direction for creation of new posts and whether the matter under the Act can be disposed of by way of special drive camp.

7. After hearing the petitioner-in-person and the learned counsel for the respondents and after going through the affidavit filed by the respondents, we find that by way of special drive, no matter is disposed of if the applicant is not agreeable for disposal of his
matter in that fashion. Only those matters where the applicants or appellants agreed for settlement of dispute or were satisfied by the information supplied, were disposed of; otherwise, if the applicants or the appellants did not want disposal of their matters by way of special drive, their matters were referred back to the concerned officer.

8. Therefore, we do not find that by special drive complained of in the application, the State-respondent has committed any act in violation of the Act or the Rules framed thereunder.

9. The next question is whether this Court can pass any direction in a writ-application for creation of further posts within the scope of RTI Act.

10. According to Section 15[2] of the Act, the State Information Commission shall consist of the State Chief Information Commissioner and such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

11. Therefore, the maximum number of State Information Commissioner fixed by the Act is eleven including the Chief Information Commissioner but no minimum number is specified and it is for the respondent authority to decide that number in accordance with the number of pending cases.
12. We do not find any substance in the contention of Mr. Jani, the learned Government Pleader, appearing on behalf of the State respondent that a citizen, who is conferred certain benefit by the legislature by virtue of creation of a legislation, has no right to complain before a judicial forum that the Executives are not taking appropriate action for implementation of the said statutory provision. The legislature itself has specified that for enforcement of right under the Right to Information Act, 2005, the posts of Additional Information Commissioner including the Chief Information Commissioner can be appointed depending upon the deemed necessity.

13. Therefore, if it appears that the Executives have not taken any step to appoint sufficient number of Additional Information Commissioners for the purpose of giving effect to the intention of the legislature, or if it appears that insufficient number of Additional Information Commissioner has been appointed, by which it is impossible to give effect to the desire of the legislature, a beneficiary under the statute can definitely complain before a writ-court complaining inaction on the part of the Executives.

14. The decision in the case of a Divisional Manager, Aravali Golf Club & Anr. V Chand [supra] relied upon by Mr. Jani, dealt with creation and sanction of a post in the Golf Club run by Haryana Tourism Corporation. In such facts, the Supreme Court held that the Court cannot direct creation of post, as creation and sanction of post
is a prerogative of the Executive or legislative authorities.

15. In the case before us, the legislative authority has already enacted a provision in the statute authorizing creation and sanction the posts not exceeding 11. Such being the position, if in a given circumstance, it appears that total number of three posts of Information Commissioner including Chief Information Commissioner is not sufficient to dispose of the number of pending cases within a near future and for not appointing further Commissioners, the purpose of the Act is frustrated, this Court, in exercise of power under Article 226 of the Constitution of India can definitely pass appropriate order.

16. Similarly, in the case of Official Liquidator v. Da\yanand and Ors., reported in [2008] 10 SCC 1, a three-judge-bench of the Supreme Court held that a writ court cannot sit in appeal over the judgment of the employer and ordain that a particular post or number of posts should be created or filled up by a particular mode of recruitment. According to the said decision, the power of judicial review can be exercised in such matters only if it is shown that the action of the employer is contrary to any constitutional or statutory provision or is patently arbitrary or vitiated by mala fides. Therefore, in a situation, if it appears that the legislative intention behind the enactment of the statutory provision contained in the Right to Information Act, 2005 cannot be given effect to by insufficient number
of Information Commissioners, a beneficiary under the statute has right to move a writ court for appropriate remedy.

17. We, therefore, propose to consider whether having regard to the number of pending cases and the rate of disposal, the existing three Information Commissioners including Chief Information Commissioner, are sufficient to give effect to the purpose of the Act.

18. It appears from the materials on record that in the months of March, April and May, 2012, total number of matters disposed of by three officials is 456, 703 and 625 respectively. We are further told that during the course of the hearing in the month of June, 2012, 820 matters have been disposed. Thus, the mean rate of disposal in the last four months with the existing officials is 456 + 703 + 625 + 820 = 2604/4 = 651. It further appears from the affidavit dated March 23, 2012 filed by the Deputy Secretary, General Administration Department, Sachivalaya that on March 1, 2012, total number of 10060 appeals and complaints were pending whereas the said number, at the end of November, 2011 was 8729. Therefore, in the course of three months, namely, December, 2011, January, 2012 and February, 2012, the number has been increased by 1331. It appears from the Chart supplied to us that number of appeals and complaints received during the year 2011 was as follows:

LXXIX
Thus, total number of complaints and appeals received comes to 4458. If we divide the number by 12, average monthly filing comes to 371.5. For the disposal of 10060 matters at the rate of 651 a month it will take $\frac{10060}{651} = \text{about 16 months}$ and in the next 16 months, $371 \times 16 = 5936$ new cases will be accumulated and it will take further 9 months to dispose of those 5936 cases. Similarly, in the next 9 months further $371 \times 9 = 3339$ cases will be filed and it will take further 5 months to dispose of those cases. Thus, the position would be normal after about 3 years.

19. Having regard to the time limit fixed by the legislature for disposal of request as provided in Section 7 of the Act which is thirty
days from the date of receipt of the request, in our opinion, the appeal against refusal or wrong information cannot be kept pending for more than that period of time. If an applicant seeking information gets the desired information by preferring an appeal after the period of even three months, in most of the cases, the purpose of information will become frustrated.

20. We, therefore, find that in the facts of the present case, at least two Additional Information Commissioners should be appointed temporarily in order to give effect to the purpose of the Act.

21. So far as the other question raised in this application as to making provision of penalty compulsory is concerned, we find that under Section 20 of the Act, power has been conferred upon the State Information Commission at the time of deciding any complaint or appeal, to impose a penalty of two hundred and fifty rupees each day till the application is received or information is furnished, subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees, if the State Information Commission is of the opinion that the State Public Information Officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section [1] of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed the information which was the
subject of the request or obstructed in any manner in furnishing the information.

22. Therefore, the legislature has vested the power with the State Information Commissioner to decide whether a case comes within the purview of Section 20 justifying grant of penalty. What is a reasonable cause is to be decided by the concerned Information Commissioner. In such a situation, this Court cannot pass any direction for imposing the penalty mandatory by ignoring the plea of reasonable cause that may be taken.

23. We, therefore, find that the aforesaid prayer on the question of penalty is not tenable in the eye of law.

24. On consideration of the entire materials on record, we, thus, dispose of the writ application by directing the State respondent to immediately appoint two Additional Information Commissioners and to continue with such additional posts so long as the pendency of the appeals is not reduced to such a state that those can be disposed of within two months of its filing, if not earlier.

25. The writ-application is thus disposed of with the above direction to be complied with within two months from today.

26. In view of the above order passed in the main writ-application, the respective Civil Applications do not survive and are disposed of accordingly.

[BHASKAR BHATTACHARYA, C.J.]
pirzada/-
Annexure 4.1 Order by first appellate authority in Michael Martin's case