

Annual Report January 2017 to December 2017

SATARK NAGRIK SANGATHAN

(SOCIETY FOR CITIZENS' VIGILANCE INITIATIVE)



सतर्क नागरिक संगठन
SATARK NAGRIK SANGATHAN

Satark Nagrik Sangathan (SNS) is a citizens' group with a mandate to promote transparency and accountability in government functioning and to encourage active participation of citizens in governance. SNS is an independent non-governmental organization and is not affiliated to, or supported by, any political party. It is registered under the Societies Registration Act, 1860 as Society for Citizens' Vigilance Initiative.

SNS's key strategy has been to assist people exercise their right to information. Under the National Right to Information Act, citizens can access information from all three arms of the government- legislature, executive and judiciary. SNS endeavours to empower individuals to use the RTI Act to participate effectively in policy formulation and utilization of public funds. SNS works closely with people across different income groups and works directly in about 15 slum settlements in South and South-West Delhi. The sangathan trains citizens to use the RTI Act to obtain information on the performance of elected representatives and on the functioning of the Government in areas such as ration, civic works, education and social welfare schemes.

SNS has been working towards ensuring proper implementation of the RTI Act by the government. Drawing on its experience on the ground, SNS engages with the government on various issues related to transparency and accountability at the policy level. Since 2011, SNS in collaboration with other citizens' groups, including the National Campaign for Peoples' Right to Information (NCPRI), has been working intensively on various accountability legislations including the Lokpal Act, the Grievance Redress Bill and the Whistleblower's Protection bill.

The activities carried out by Satark Nagrik Sangathan between January 2017 and December 2017 are given below.

Activities undertaken by Satark Nagrik Sangathan

1. Monitoring the functioning of the Public Distribution System

Since its inception in 2003, SNS has been working with residents of low income slum settlements in Delhi to ensure that they get their rightful entitlements under the Public Distribution System (PDS) – a scheme wherein the government provided essential commodities like food grain and kerosene oil at subsidized rates to the poor. The PDS is now an entitlement guaranteed under the Nation Food Security Act. Under the NFSA, up to 50% of the urban population and up to 75% rural population are entitled to 5 kgs of subsidized grains per person per month. Families under the Antodaya category are to receive 35 kgs per family per month. Under the Act, rice and wheat are to be provided at Rs. 3 and Rs. 2 per kg respectively.

As per guidelines issued by the Delhi government, households who already have AAY, BPL, Jhuggi Ration Card (JRC), Resettlement Colony Ration Card (RCRC) are eligible for food grains under TPDS. In addition, households with an annual income of less than Rs. 1 lakh and fulfilling other defined criteria are eligible for accessing entitlements under the NFSA.

Under the NFSA and as per the Delhi government orders, the Additional District Magistrate (ADM) has been designated as the Grievance Redress Officer and is required to redress all complaints within 30

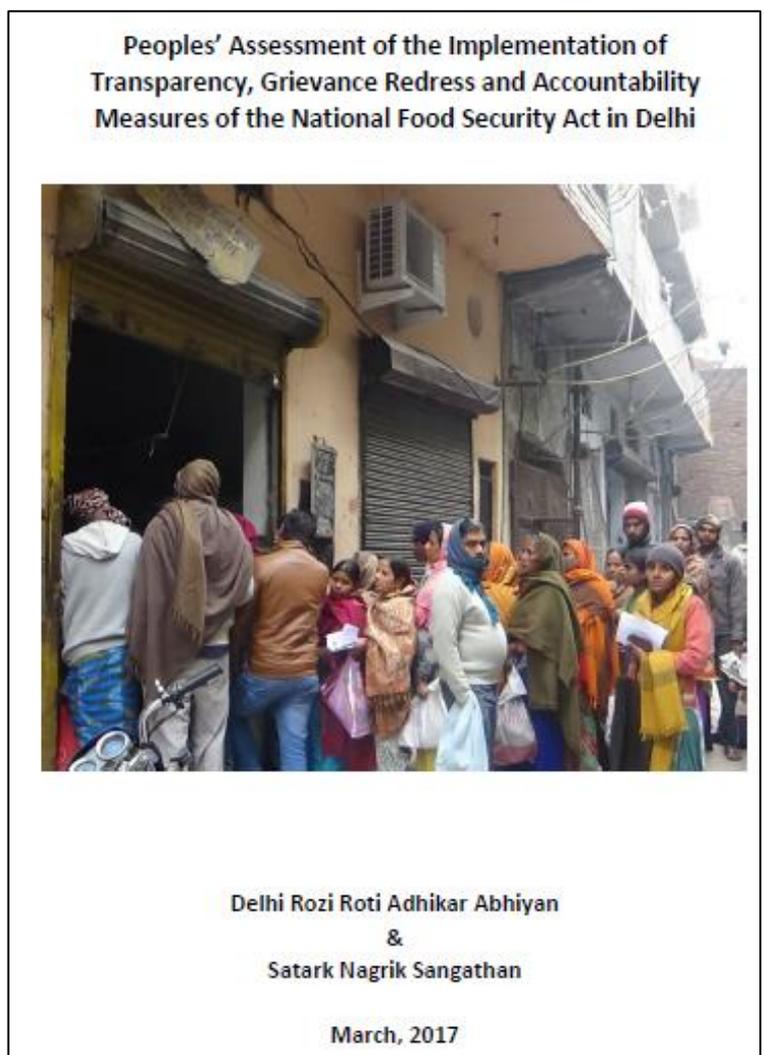
days. The ADM has to hold a hearing and give a speaking order. An appeal against the order can be preferred to the Public Grievance Commission which has been designated as the State Food Commission.

Satark Nagrik Sangathan organised more than 100 basti meetings, awareness and grievance redress camps in the 12 slums, where we work directly, to create awareness among people about their rights and entitlements under the PDS and assist them in filing complaints wherever they were unable to access their rightful entitlements. In addition door to door campaigns were held in the slums wherein pamphlets on the rights and entitlements under the NFSA were distributed and discussed. Many people were also helped in using the RTI Act to access information on the functioning of the PDS in their area and on the status of applications/complaints that they had made to the department. Wherever required, people were assisted in following up on their RTI application by filing appeals and complaints to the Central Information Commission.

In 2017, a 'Peoples' Assessment of the Implementation of Transparency, Grievance Redress and Accountability Measures of the National Food Security Act in Delhi' undertaken by Satark Nagrik Sangathan & the Delhi Roti Adhikar Abhiyan found flagrant violations in the function of ration shops and the failure of the government to put in place the requisite grievance redress and accountability measures in place as per the NFSA, despite the passage of more than 3 years since the Act was implemented in Delhi. The report which was released in March 2017 can be accessed [here](#).

On the basis of a physical audit of 221 shops (approximately 10% of the total ration shops in Delhi) in 14 circles located in 8 districts, and on the basis of information obtained under the RTI Act, the report assessed the (A) Compliance with provisions related to transparency at the ration shop as per the NFSA, PDS Control Order, etc. (B) Implementation of grievance redress measures of the NFSA in Delhi and (C) Implementation of accountability measures of the NFSA in Delhi. The report found-

- The Delhi government has not constituted the **State Food Commission** as per the provisions of the NFSA to hear and redress complaints about violations of the law



- The Delhi government has designated ADMs as **District Grievance Redress Officers** in Delhi. However, the government has neither trained these officials on the provisions of the NFSA nor put up any boards regarding their designation as DGROs. As part of the assessment, 1200 complaints filed to DGROs were tracked. It was found that not a single complaint was redressed by way of a written order within the stipulated time-frame as prescribed by the Delhi government - a violation of the law, as the notification issued under the Act requires the DGRO to hold a hearing and pass a speaking order within 30 days of receiving a complaint.
- As per Section 28 of the NFSA, the State government has to mandatorily organize **social audits** on the functioning of fair price shops. In order to assess the implementation of this provision, information was sought under the RTI Act on the orders/guidelines issued by the Delhi government related to conduct of social audit and details of the numbers of social audits conducted by the government and copies of all the audit reports. The reply by the Delhi government indicated that despite the passage of three years since the roll out of the NFSA in Delhi, the government had not issued any orders/circulars/guidelines to operationalise the provision of social audits in Delhi.
- More than **60%** of the ration shops were closed on a working day and during working hours, which is illegal and grounds for revocation of the license of the FPS since operating the ration shop as per the prescribed timings is part of the conditions of granting licenses to ration shops.
- **11%** did not display the name of the shop
- **48%** of the shops did not display the timings of opening and closing the shop
- **None** of the shops displayed correct information about the details of the grievance redressal (GR) mechanism in terms of ADMs being designated as DGROs under the NFSA in Delhi.
- **None** of the shops provided details of the time-frame and procedure laid down by the Delhi government related to the functioning of the DGROs.
- Only 24% of the ration shops audited displayed information about the toll-free helpline/complaint number
- In terms of information of quantity and price of entitlements, this could be audited in only 104 shops which were open or were initially found to be closed but were subsequently opened during the visit. Only 55% shops displayed details regarding quantity of entitlements for different ration cards while 57% provided details of the price of foodgrains for different categories of ration cards i.e. Antyodaya and Priority.
- In terms of information about monthly and daily stock position of foodgrains at the ration shop, only 6% displayed details of the stock received during the month while only 16% displayed the daily opening and closing of stock of each foodgrain (of 104 shops).
- Of the 104 shops which were open during the audits, only 2% displayed the sample of sugar, 15% displayed the sample of rice and 25% displayed the sample of wheat being supplied under the PDS.
- Only 16% shops displayed details and the schedule of the public audit (of 104 shops)
- Only 19% of the shops displayed information about the RTI Act, including details of the Public Information Officer (PIO) (of 104 shops).
- Several shops were found to be illegally selling atta.

The findings of the assessment were presented to the Delhi government and the concerned Minister and Secretary of Food. In April 2017, SNS participated in public action organised by the Delhi Rozi Roti

Adhikar Abhiyan to demand action of the findings of the assessment. As a result of the assessment and follow-up all the shops which were found to be in violation of the norms prescribed under the law and accompanying rules/orders were penalised. Further, the findings of the assessment are also being used in an ongoing case in the Delhi High Court on the implementation of NFSA in Delhi.



Despite repeated Supreme Court orders to the contrary, Aadhaar has been made mandatory by the Delhi government for getting entitlements under the NFSA. This has resulted in a very large number of poor across Delhi being denied their subsidised food grains and other benefits. In 2017, a case was filed in the Delhi High Court by the Delhi Rozi Roti Adhikar Abhiyan against Aadhaar being made mandatory in National Food Security Act (NFSA). As part of the case, affidavits of families from across Delhi who were being excluded from the NFSA due to want of Aadhaar were filed. SNS identified about 400 families in the slum settlements where SNS holds community meetings and their details were also included in the case. As a result, for several of these families, the High Court ordered relief and they are now receiving their full entitlement of food grains under the NFSA. Members of SNS also visited ration shops to document various problems faced by people in accessing their ration entitlements after the introduction of Aadhaar-based biometric authentication. The [videos](#) documenting these problems were also placed before the HC. Further, in the ongoing case, the findings of the assessment of transparency and accountability provisions of the NFSA have also been highlighted. The Court has directed the Delhi government to evolve mechanisms to ensure the proper functioning of ration shops and to also operationalise the grievance redress and accountability provisions through promulgating rules. The case is ongoing in the Delhi HC. Some media reports are accessible at- [Times of India](#), [The Wire](#), [Asian Age](#), [India Today](#), [First Post](#), [The Hindu](#), [NDTV](#), [NewsClick](#), [Governance Now](#)

During the previous year, SNS along with members of Delhi Rozi Roti Adhikar Abhiyaan met with more than 20 MLAs across Delhi to urge them to take action to improve the condition of food security in Delhi. During the budget session of the Delhi Legislative Assembly, budget related demands of the abhiyaan were discussed with these MLAs. The key demands included making budgetary provisions for-

1. Providing pulses, oil and sugar to all food security cardholders, irrespective of category to which they belong- AAY or priority.
2. Immediately implementing maternity entitlements across all districts of Delhi.
3. Providing egg, fruits and milk for children everyday through the mid-day meal scheme and through anganwadis.
4. Enhancing food security coverage beyond the population norm stipulated in the NFSA as many poor and marginalised people, especially the homeless, transgender and migratory workers have been left outside the purview of the Act.
5. Implementing and operationalizing all the transparency and accountability provisions in the NFSA Act, including- carrying out of periodic social audits (S. 28), grievance redress including internal mechanism within the department, setting up of State Food Commission, training of GR officials, resources for awareness creation regarding GR provisions (Chapter VII), transparency of records (S. 12(2)(d)), proactive disclosure of records (S. 27), proper functioning of Vigilance Committees (s. 29).

The full communication sent to the government regarding the budget related demands can be accessed [here](#). In 2017 during the budget session the Delhi government announced that it will make budgetary allocation for providing eggs and bananas in mid day meal scheme. SNS is now tracking this to check its implementation.

2. Working towards ensuring better implementation of the RTI Act

i. Assessing the performance of adjudicators of the RTI Act

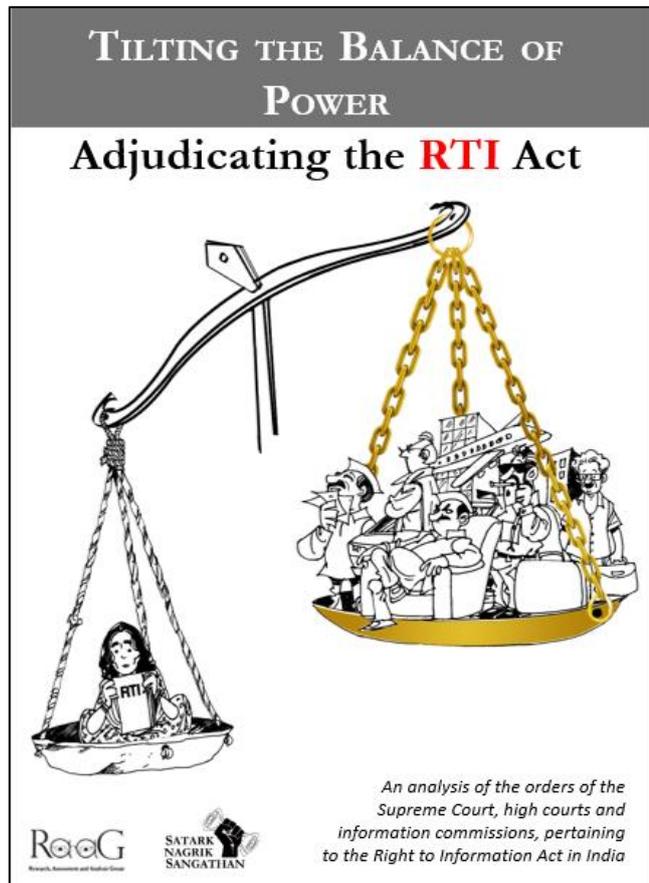
SNS has been involved in several national assessments of the implementation of the RTI Act in collaboration with other groups across India. In October 2014 the '[Peoples' Monitoring of the RTI Regime in India 2011-13](#)', was released. Two members of SNS were among the co-authors of the study while SNS was also the state partner in Delhi.

A key finding of the study was that the lackadaisical performance of Information Commission was a major bottleneck in the effective implementation of the RTI Act. Therefore, SNS & RaaG (Research, Assessment & Advocacy Group) along with other groups and activists initiated an assessment on the quality of orders of information commissions in India and other adjudicators including the High Courts & the Supreme Court. The report of the assessment titled '[Tilting the Balance of Power: Adjudicating the RTI Act](#)' was published in January 2017. The assessment analysed all the judgments of the Supreme Court on the RTI Act, more than 300 High Court orders and a random sample of 2000 orders of Information Commissions of the Central Information Commission and State Information Commission of Assam, Bihar and Rajasthan.

The key findings of the assessment are-

- **Quality of orders**

The Supreme Court, in numerous orders, has cautioned against the tendency of adjudicators to give cryptic, unreasoned orders. The SC has categorically, and in great detail, laid down that judicial, quasi-judicial, and even administrative orders must contain detailed reasoning for their decisions. Despite the dictum of the SC, more than 60% of the IC orders analysed contained deficiencies in terms of not recording critical facts. Rajasthan and Bihar SICs were the worst performers with 74% and 73% of the orders respectively, not describing the information that was sought. In fact, many of the orders comprised just 2-3 lines recording only the decision of the IC, without any reference to the background or the relevant facts of the case like dates, details of information sought, decision of PIO/ FAA and the grounds for the decision of the IC and the basis thereof.



The phenomenon of ICs not passing speaking orders is problematic for several reasons. First, information seekers, the concerned public authorities and people have no way of finding out the rationale for the decisions of ICs. In fact, non-speaking orders violate section 4 of the RTI Act and are therefore a violation of peoples' right to information. Second, orders of ICs are often challenged before the courts. The tests of legality, fairness and reasonableness become exponentially more difficult to pass when orders don't speak for themselves and lack essential information, facts and reasoning. This is especially problematic as information commissions are usually not made a party in legal challenges to their orders before the court, and therefore deficiencies in orders burden the information seekers with the task of defending orders of the ICs before courts. Studies have shown that the RTI Act is extensively used by the poor and marginalised. Vague use of language, insufficient or incorrect recording of facts and not recording basis of orders, weigh in favour of the petitioner assailing the order of the commission. The RaaG-SNS 2017 report found that in several cases, orders of ICs were set aside by courts due to lack of reasoning or because orders were ultra vires of the Act.

- **Backlogs in Information Commissions**

As on December 31, 2015, the backlog in the disposal of appeals and complaints in the 16 information commissions, for which data was available, was alarming, with 1,87,974 pending cases. The huge backlog in the disposal of appeals and complaints by the commissions is one of the most serious problems being faced by the transparency regime in India. The high levels of pendency in ICs result in applicants having to wait for many months, even years, for their appeals and complaints to be heard. Studies show that a matter filed on January 1, 2016 would come for hearing in the Assam state IC after 30 years - in the year 2046! And in West Bengal after 11 years. Justice delayed is justice denied. If

applicants have to wait for such long periods to access information, that information loses all meaning and value for them, defeating the purpose of the RTI law. Often the huge pendency and the concomitant long waiting time are a result on non-appointment of commissioners in the IC. Even where there are adequate number of commissioners, often a reasonable number of cases are not disposed every month due to the tardy functioning of commissioners.

- **Penalty imposition**

The RTI Act empowers the ICs to impose penalties of upto Rs. 25,000 on erring PIOs for violations of the RTI Act. The penalty clause is one of the key provisions in terms of giving the law its teeth and acting as a deterrent for PIOs against violating the law. Despite Section 20 of the RTI Act clearly defining the violations of the law for which PIOs must be penalised, the study found that ICs imposed penalty in only an extremely small fraction of the cases in which penalty was imposable.

According to the findings of the RaaG –SNS, 2017 report, an average of 59% orders recorded one or more violations of the RTI Act, based on which the IC should have triggered the process of penalty imposition. Of these 59% cases, the IC issued a notice to the PIO asking him/her to show cause why penalty should not be levied only in 24% of the cases. Finally penalty was imposed in only 1.3% of the cases in which it was imposable. The estimated annual loss to the ex-chequer due to non-imposition of penalties is around ₹ 285 crores.

- **Transparency in the functioning of ICs**

Websites of all 28 ICs (1 CIC +27 SICs) were analysed to assess how much information each commission is proactively disclosing about its functioning, and how up-to-date and easily accessible this information is. The assessment found that several ICs performed poorly in terms of being transparent about their own functioning.

The websites of two state information commissions, Goa and Jharkhand, were not accessible at all. Eight (31%) of the 26 IC websites analysed did not provide information on the number of appeals and complaints received and disposed in 2014 and 2015. Ten of the 26 SIC websites accessed did not provide information on the number of appeals/complaints pending at the end of 2014 or 2015. In seven of the 26 IC websites analysed, the decisions and orders of the commission could not be directly accessed.

Further, the performance of many ICs in terms of publishing annual reports and putting them in the public domain was found to be dismal. To ensure periodic monitoring of the functioning of the commissions, section 25 obligates each commission to prepare a “report on the implementation of the provisions of this Act” every year, which is to be laid before Parliament or the state legislature.

The report found that many of the commissions had not posted their annual reports on the web and very few had updated the information. As the analysis was done in September 2016, it would be reasonable to expect that annual reports upto 2015 would be available on the websites. Yet, 21 out of 28 ICs (75%) did not provide the annual report for 2015.

- **IC orders in violation of the RTI Act**

The RaaG-SNS, 2017 report found that where part or full information was denied by ICs, 50% orders seemingly denied information in violation of the RTI Act, i.e. the IC denied information on grounds which are not provided for in the RTI Act. For instance, in several cases ICs denied information on the

grounds that information sought was voluminous or claiming that the information being asked for would disproportionately divert the resources of the PA, or because the matter was sub-judice. None of these are valid legal grounds for denial of information.

Two sections of the RTI Act that were often misused to deny information were section 7(9) (disproportionate diversion of resources), and section 11(1) (third party information) - neither of which can by themselves be used to deny information. Section 7(9) allows for information to be provided in a different form from the one in which it is sought if providing information in the form sought for would disproportionately divert the resources of the public authority or would be detrimental to the safety of the record. Despite this, the section was found to be regularly cited by PIOs and ICs to altogether deny information.

Similarly, wherever information pertained to a third party, ICs were found to often uphold denial of information on the premise that the third party had not consented to the disclosure of information. This despite the fact that Section 11 does not allow for 'veto' power to the third party and clarifies that the decision regarding disclosure is to be finally made by the PIO while keeping in view the submission of the third party. In fact, the provision is worded in such a manner that the third party rights would be invoked only if the PIO had decided to disclose the information, i.e. reached a conclusion that the information was not exempt under the RTI Act. In order to prevent disclosure, the third party would have to make a case for how the information was indeed exempt under Section 8 or 9. And even if it succeeded in proving the same, the PIO would still be obligated to consider if public interest in the disclosure of information would outweigh any possible harm or injury to the interests of such third party.

Though less often, "sub-judice" was also cited as a basis for denying information, perhaps as a misunderstanding of section 8(1)(b), which actually exempts from disclosure "information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court."

- **Interpretations of provisions of the RTI Act by the Supreme Court requiring wider public debate**

The assessment found on the basis of analysis of Supreme Court judgments on the RTI Act that in some cases, the judiciary had interpreted provisions of the RTI Act in a manner which would restrict rather than expand the scope of peoples' Right to Information. For instance, the Supreme Court has held that performance evaluation and asset declarations of public servants are not accessible under the RTI Act, unless there is larger public interest, as these are exempt under the provisions related to information held in a fiduciary capacity or information the disclosure of which would invade a person's privacy. Similarly, the Supreme Court has interpreted the term "Substantial funding" in a narrow manner thereby restricting the application of the law.

- **Tendency to ignore mandatory exceptions to the exemptions**

The assessment found that by and large adjudicators of the RTI Act ignored the mandatory exceptions to the exemption. The law lists out 3 specific exceptions to the exemptions which must be weighed and if found to be applicable then even if information would otherwise be exempt it must be disclosed. These 3 exceptions are-

There are three types of overarching exceptions that the RTI Act provides to most of the exemptions listed in various sections, specifically in section 8(1) of the RTI Act. The first qualifies all the exemptions

to disclosure of information listed under section 8(1) by laying down that information that cannot be denied to Parliament or to a state legislature cannot be denied to any person. This reminds the government that the Parliament and state legislatures represent the people, and are elected by them, so whatever they are entitled to know, the people, whom they represent, are also entitled to know. The second overarching exemption mandates that notwithstanding all else, the final and all pervasive test for disclosing information is public interest, and if its disclosure serves greater public interest than its withholding, then such information must invariably be disclosed, irrespective of most other exemptions in the RTI Act, and irrespective of the Official Secrets Act.

The primary, perhaps the sole, responsibility of governments is to serve and further public interest. Their main challenges include identifying what is in public interest, balancing between the interest of various segments of the public, determining what is the best method by which public interest can be served, identifying and mobilising the resources required to serve public interest, and developing and maintaining systemic, institutional, and individual capacity towards this common end. Consequently, all information held, generated or collected by governments must be used to this end, and the decision to keep it secret or make it public must also be determined in terms of what best serves public interest. This universally valid but mostly forgotten truth is manifested in section 8(2) of the RTI Act.

The third is the provision of the RTI Act that removes, on information that refers to matters that are over twenty years old, the applicability of most of the exemption clauses listed in sub-section 8(1). When the draft RTI bill was being discussed among civil society groups, a group of historians had raised the valid point that if the exemptions listed under sub-section 8(1) were to be in force for perpetuity, then it would be very difficult for the public to get access to old records, and at best a very tedious and time consuming process. This was one of the concerns behind the formulation of section 8(3).

larger public interest,

In all cases where information is found to be exempt, each of these exceptions must be weighed. However, in most cases where information was denied, the exceptions were not weighed.

The findings of the assessment are being used to engage with information commissioners, RTI users, activists and media across India in order to improve the functioning of the RTI Act. In May 2017, a consultation based on these findings and on peoples' experience of using the RTI Act was organised wherein these issues were discussed. The Chief Information Commissioner of India, the Chief IC of J&K information commissioners from the CIC and SIC of Haryana and UP also attended. Further, the findings were also presented at a seminar organised by the Central Information Commission in May 2017 and at the annual convention of the CIC held in December 2017. Detailed sessions were also held on the findings of the assessment at the national convention of the National Campaign for Peoples' Right to Information (NCPRI) held in October 2017 in Odisha. Members of SNS also presented the finds at various international seminars and meetings including at the 5th Global Conference on Transparency Research, University of Limerick, June 19-21, 2017, Workshop on Right to Information in Bangkok in October 2017 and at the FOI Summit organised by the Presidential Communications Operations Office in Manila, Philippines in December 2017.

The findings of the assessment have been widely covered by media across the country. These can be accessed [here](#).

ii. Campaign against regressive provisions in proposed RTI Rules 2017

In March 2017, the government proposed a new set of rules [RTI Rules 2017](#) to replace the existing rules and invited comments from the public.

Several of the proposed changes were quite concerning especially those related to allowing abatement of appeals upon death of appellant, central government seeking to empower itself to revise RTI fee through notifications and the requirements laid down for filing a complaint to the CIC which go beyond the law.

The government had invited comments of the public of the proposed RTI Rules. SNS in collaboration with NCPRI campaigned to highlight how the proposed provisions will dilute the RTI Act and may endanger information seekers. As a result, the government did not push through the proposed rules in 2017 although it has not withdrawn the proposal.

Read [SNS's comments](#) on the proposed rules submitted to the government.

Read an article in [TheWire](#) on the RTI Rules 2017 and in Hindi in [BBC](#).

Read news reports on the Rules- [HT](#), [Asian Age](#), [First Post](#), [Economic Times](#), [HT \(May\)](#)

iii. National convention on the right to information

The 5th national convention of the National Campaign for People's Right to Information (NCPRI) was held from the 14th to 16th October, 2017 in Bhubaneswar, Odisha. SNS participated in the convention and as some members of SNS are part of the NCPRI, also helped in organising it. RTI users, peoples groups, activists, information commissioners, government functionaries, and people associated with movements and campaigns from across the country participated in the convention.

The convention began with a RTI Mela with stalls showcasing the use of the RTI Act across the country and by different campaigns and groups. The keynote address was given by Shri Hamid Ansari and Justice A.P. Shah. Detailed discussions were held through various workshops and plenary sessions on RTI and Governance, Democracy, People's Movements, status of anti-corruption laws- Lokpal, Whistleblowers Protection and Grievance Redress, Budget transparency, Using RTI in conflict areas, Displacement, rehabilitation and resettlement – Transparency and Accountability, Political Accountability and transparency, Aadhaar and its impact on Privacy, Social Audit, Right to Food, Right to Education and Women's rights and RTI.

The convention provided an opportunity to deliberate on the current challenges impeding the effective implementation of the RTI Act, including attacks on RTI users. Recent developments around the right to privacy and how it is likely to interface with peoples' right to information were also deliberated upon. Songs from the RTI movement, cultural performances and theatre related to the RTI were also part of the convention.

Videos from the convention can be seen [here](#).

3. Creating awareness about the RTI Act

In addition to creating awareness among people, especially the poor and marginalized, members of SNS were invited to various fora to share SNS's experience with the use of the RTI Act and to create awareness about the Act.

SNS resource persons were also invited to conduct RTI trainings for various groups and organisations including National Dalit Human Rights Campaign, Jagori, JIMMC, Delhi University, Jagori Grameen. In addition SANAGAT- a south Asia based feminist group invited members of SNS to Nepal to discuss and train on issues of transparency and accountability.

At the grassroots, SNS conducted workshops, camps and meetings to spread legal awareness among slum dwellers, especially about the RTI. People were trained on how to use the RTI Act to monitor the delivery of essential services such as- social security schemes, pensions, education, healthcare services etc. by the Government. People were also empowered with knowledge about various rules, regulations and procedures in different government departments. Residents of slum settlements where SNS works filed more than 220 RTI applications under the RTI Act to obtain information of relevance to them. Several people were able to successfully access their legal rights and entitlements under various social security programs and schemes by seeking information under the RTI Act and using that information to follow-up with the government.

Widow Pension Through RTI

Prem, a resident of Lal Gumbad Camp in Panchsheel Park, Delhi had applied for a widow pension in 2016. The Delhi government provides financial assistance to the elderly, widows and disabled persons living below a defined threshold of income. However, despite the passage of more than 1 year, her pension was not started. Neither did she receive any response on her pension application. She visited the department multiple times but to no avail. Finally, upon learning about the RTI Act through the door to door awareness campaigns and meetings organised by SNS, she filed an RTI application in March 2017 seeking information about the status of her pension application and the details of the action taken by the concerned official. The reply stated that her pension had been sanctioned since February 2016. Further, the department under pressure to respond to her RTI application and explain why it had not paid her pension, also released payment of almost Rs. 20,000 as the pension amount due since it was sanctioned in Feb 2016.

4. Transparency about roles & responsibilities of elected representatives

One of the core initiatives of SNS has been to empower people to meaningfully engage with and demand accountability of their elected representatives. Using the RTI Act, SNS accesses information on the roles and responsibilities of elected representatives and disseminates this in the form of pamphlets to enable people to engage with their elected representatives- MLAs, MPs, and councilors, in an informed manner. SNS also develops Report Cards on the performance of elected representatives prior to elections and disseminates them in partnership with the media.

The following activities were undertaken in 2017:

Using the RTI Act, SNS accessed information on the roles of Councilors and MLAs of Delhi; the quantum of local area development funds at their disposal; and how these funds can be spent (including the geographical jurisdiction). Easy to understand pamphlets, in the local language were developed using this information which were then disseminated through door-to-door campaigns, more than 70 basti level meetings and information camps in the constituencies where SNS works directly. A short [documentary](#) on SNS's work of using the Right to Information Act to access information on the performance of elected representatives to hold them accountable was also screened in the meetings.

In several slums, communities were assisted in engaging with their area MLA to address the most pressing needs of the area. In meetings, the available budget, the development needs of the area were discussed and people were assisted in drafting petitions addressed to the area MLAs to address the key issues. In several places, as a result of the informed and sustained engagement with the area elected representative, action was taken by the government and the MLAs to address the development needs.

5. Advocating for effective anti-corruption and grievance redress measures

Along with other organizations like the National Campaign for Peoples' Right to Information (NCPRI), members of SNS have been involved in advocating for the enactment of effective anti-corruption and grievance redress legislations – **the Lokpal Act, Grievance Redress bill, and the Whistleblower Protection Act**. In 2017, SNS along with other groups like NCPRI, organized several consultations and public meetings on these legislations.

Whistle Blowers Protection Act

The Whistle Blowers Protection Act was passed in February 2014, on the last day of the 15th Parliament, in response to a sustained campaign by people to demand an effective mechanism to protect those who expose corruption and wrongdoing. In the last few years, more than 65 people have been killed and thousands attacked and victimised for blowing the whistle on corrupt practices in the government. SNS along with the NCPRI and families of whistleblowers who had been killed, had been campaigning for the law for several years. In 2014, during the last session of the outgoing Parliament, the NCPRI held dharnas over 25 days in Delhi at the offices of the INC, BJP and at India Gate to demand the passage of the Whistle Blowers Protection law.

Even though the Whistle Blowers Protection Act was passed and also notified in the official gazette in May 2014, till date the law has not been operationalised as the government has not framed rules to implement it. In collaboration with National Law University (NLU), NCPRI drafted model rules for the Act and shared these with the government.

Instead of operationalising the Whistle Blowers Protection Act, in May 2015 the government introduced an amendment bill in Parliament which seeks to severely dilute the protection and safeguards available to Whistleblowers under the Act. As part of NCPRI, members of SNS were involved in raising awareness about the restrictive provisions of the WBP amendment bill and also wrote to Members of Parliament about the same. The amendment bill was brought to Lok Sabha

without any public debate on the contents of the bill. RTI requests seeking information on the nature of amendments were denied to citizens. The text of the amendment bill was only made public on May 11, 2015, once it was introduced in Lok Sabha. During the debate in the Lok Sabha, MPs from various parties objected to the dilution of the law and many of them asked for the bill to be referred to a Standing Committee. However, their request was ignored and the bill was passed by the Lok Sabha on May 13, 2015. The bill was taken up for discussion and passage in Rajya Sabha on December 7, 2015. Several MPs moved amendments and demanded that the bill be referred to a select committee. However, the discussion could not be concluded due to paucity of time. The current status of the WBP Amendment Bill is not clear- on April 28, 2016, Dr. Jitendra Singh, the MoS for the Prime Minister's Office, in reply to a question in Parliament stated that the Whistle Blowers Protection Amendment Bill had been sent to a committee. However, in response to an RTI application, the Rajya Sabha Secretariat has stated on August 16, 2016, that the Bill is not pending with any Parliamentary Committee. The RTI application and reply can be seen

<https://drive.google.com/file/d/0B3oQ77E3KGKBdFZZQUhKMlk1eHc/view?usp=sharing>

The Whistle Blowers Protection (Amendment) Bill, 2015 dilutes the original Act by removing safeguard available to whistleblowers from prosecution under the Official Secrets Act and introducing wide ranging exemptions in the Act.

As the bill severely dilutes the provisions of the original Act and there has been no formal platform for public consultation/discussion on the amendments, the campaign has been advocating that the amendment bill be referred to a Select Committee of the Rajya Sabha to enable detailed clause-by-clause deliberations and also provide a chance for citizens to present their views on it.

In 2017, the proposed RTI rules created further hindrances as it provided for a provision to close a case upon the death of information seekers. The proposed rules and the issue whistleblowers protection was also discussed in detail at the NCPRI convention.

In March 2017, NCPRI co-organised a protest in which SNS also participated to highlight the lack of action by the government on the anti-corruption laws. The protest titled 'Bhrashtachar se Azadi' highlighted the non-operationalisation of the Lokpal law, whistleblower law and grievance redress among other issues.

Some articles about campaigns can be found at-

<http://www.thehindu.com/opinion/op-ed/dont-shoot-the-messenger/article19397939.ece>,
<https://thewire.in/158568/rajya-sabha-whistle-blowers-act-amendments/> &
<https://timesofindia.indiatimes.com/india/activists-red-flag-dilution-of-law-to-shield-whistle-blowers/articleshow/59640358.cms>

Lokpal & Lokayuktas Act

The Lokpal & Lokayuktas Act was passed in 2013 and was notified in the gazette in January 2014. However, till date, the Lokpal has not been set up. In fact, the government introduced a bill to amend the Lokpal Act. The Lokpal law was dealt a severe blow in 2016 as an amendment bill was introduced and passed by Parliament in less than 48 hours.

On July 28, 2016, the Parliament passed the Lokpal and Lokayuktas (Amendment) Bill, 2016 to amend Section 44 of the original Lokpal Act and the corresponding rule making power under Section 59. Section 44 of the Lokpal Act required all public servants covered under the

Act to disclose their assets and liabilities and those of their spouses and dependent children. These disclosures were required to be published on government websites. The amendment act, 2016 dilutes the Lokpal Act as it has done away with the statutory requirement of public servants to disclose the assets of their spouses and dependent children. The amendment also dispensed with the statutory requirement of public disclosure of these statements.

The amendment that was essential to operationalise the law - which was to provide that in the absence of a recognised leader of opposition, the leader of the single largest party in opposition is included in the selection panel for appointing the Lokpal - was not included in the bill which was passed.

The issues around the Lokpal law were discussed in depth at the national convention in Odisha. These were also highlighted at the protest in March 2017.

Some articles about NCPRI's campaigns can be found at- <http://www.thehindu.com/todays-paper/tp-opinion/waiting-for-the-lokpal/article18187472.ece>, <http://www.merinews.com/mobile/article/India/2017/2/10/bhrashtachar-se-azadi-march-against-corruption-from-mandi-house-to-jantar-mantar/15923616>, & <https://counterview.org/2017/03/10/civil-society-protest-against-the-governments-lackadaisical-attitude-in-fighting-corruption/>

Grievance Redress bill

Along with the NCPRI, SNS continued its efforts to demand a strong and effective legislation to set up a decentralized mechanism to redress peoples' complaints related to non-delivery of basic rights and entitlements.

In 2011, the 'Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill', was introduced in the Lok Sabha. However, this bill lapsed with the dissolution of the 15th Lok Sabha in May 2014. The current government repeatedly stated its commitment to re-introduce and pass the GR bill. In fact, in a communication dated 24.06.2014, the PMO stated that passing the GR bill was "part of immediate thrust areas of the government". The concerned minister in Parliament in December 2014, February 2015 & May 2015, reiterated that the government was "committed to bringing in a legislation for ensuring effective redressal of grievances of citizens related to non-delivery of entitled goods and services by the Government."

In March 2016, however, in response to a question in Parliament, the government made no reference to the legislation and instead stated that it had prepared a scheme known as Delivery of Services and Grievances Redressal Scheme – 2015. In reply to RTI applications, the concerned ministry denied a copy of the GR scheme stating that the scheme was still under consideration. The RTI and reply can be seen here-

<https://drive.google.com/file/d/0B3oQ77E3KGKBVmtSUGVkcmpGTE0/view?usp=sharing>

SNS along with other groups and the NCPRI has been continuing efforts to push the government to re-introduce the GR bill.