PUBLIC AUDIT ( JAN SAMPREKSHAN )

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FIELD OBSERVATIONS
OF THE CHIEF INFORMATION COMMISSIONER
WHILE ON TOUR OF
UTTARAKHAND

25th May to 15th June, 2007

PART : ONE

UTTARAKHAND INFORMATION COMMISSION

DEHRADUN, Uttarakhand

JAN SAMPREKSHAN
As one gains further insights into the implementation of the Right to Information Act (RTI, 2005) it becomes clearer that the entire exercise is evolving into a kind of Social or Public Audit by the public of almost all public authorities, of all public activities which have been allowed access though the provisions of the Act. The Commission, in its practical guidelines to all state level public authorities on how to conduct review meetings of the PIOs, has also pointed out that besides becoming a practical review such a review also becomes a public review of their activities. It is so because while the Monthly Departmental Review Agenda is set by the HoD, setting out his own or current government priorities, in its RTI review of the PIOs the questions which get discussed are not listed by the departmental officers but the common public. Very often, as is obvious, the questions which might get discussed while taking up the questions asked by the public or the information sought by the public, is something which is normally not attended to either by the inspecting superior officers or the HoD himself or herself. The information sought under the RTI may not necessarily be current, in fact it might be so old that the official memory has simply lost track of it; hence this enables the department to re-visit the event covered by the information requested. The information requested may also be one of the forgotten ‘scandals’ that once rocked the department, but time pushed it under the carpet! Majority of the questions relate to the ‘discomfort zone’ of the field officers, and that perhaps should be seen as such with more interest by the senior officials of the public authority. ‘Audit’ has somehow come to be identified with the ‘discomfort zone’ of the department and hence the rubric ‘Audit’; and, as it is the general public which is conducting it through requests for information it is being termed as ‘Social’ or ‘Public’. From being perceived as a ‘discomfort zone’ the departmental audit, and also the ‘social audit’ undertaken through the RTI mechanism should graduate into being ”an Agenda for Administrative Reform “, as it rolls out an agenda which in any case should have been a priority, as it now brings into a sharp focus the transparency which should have been reflected in the records of the public authorities and the accountability which should have been in the conduct of the public servants. Mainstreaming of the RTI provisions hopefully would bring about a sense of Social or Public Audit which had become over due.

These Field Notes and Observations attempt to highlight these forgotten areas through the recommendations made in Jan Sampreksha proceedings.

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**Field Notes**

**The Sixth - Round of Field - Visits** by the Chief Information Commissioner covered districts of Naini Tal, Udham Singh Nagar and Champawat of Kumaon division. Besides holding district level public authorities meetings at Haldwani, FTI, Collectorate, Rudrapur and Collectorate, Champawat; the Tehsils and Blocks were also visited and discussions held with various Public Information Officers and Departmental Appellate Authorities. Among
public representatives only Block Pramukh of Khatima Block, Sri Anand Arya, was present during the Block visit.

1.1. Among Tahsils Haldwani (Naini Tal), Khatima (US Nagar) and Lohaghat (Champawat) were visited and discussions with the Sub Divisional Officers and Tahsildars were held.

1.2. Among the Blocks Haldwani and Khatima were visited and discussions held with the staff present.

1.3. Press and Media was also addressed after Haldwani, Rudrapur and Champawat district level meetings and media were also present during some block and tahsil visits.

1.4. Uttarakhand Update, Practical Guide to RTI and other UIC publications were also distributed amongst the participants. All these meetings and visits were adequately covered by the media in the news papers and electronic media, helping general awareness.

**Proceedings of District Level Reviews:**

2. Proceedings of Haldwani FTI meetings were approved after the City Magistrate provided the draft and returned to him for issue the same day. Rudrapur proceedings are to be issued after a draft is presented by Sri Mishra, the District Information Officer. Champawat proceedings are to be issued by the District Magistrate, Champawat, after the meeting. Copies of these proceedings are to be marked to the Secretary, Uttarakhand Information Commission (Fax: 0135 2666779) who is to ensure subsequent follow-up, on major action points for the Information Commission.

**Main Observations:**

**Formats for Registers:**

3.1. The district level public authorities reviews brought out clearly that even after 18 months of the passage of the RTI Act many district level public authorities/district level officers have not been able to ensure that their own offices and all public authorities under them are using the Registered prescribed by the state government for the APIOs, PIOs and Departmental Appeal Authorities (DAAs). The District Magistrates, as the Nodal Officers for the district, should ensure that all departments and district level authorities are using the Proformas for the APIOs, PIOs and DAAs prescribed by the Government Order issued under the hand of the Chief Secretary vide GO. No. 146 dated 22 March, 2006 and are annexed as Annexure I, II and II, respectively. The GO and the Annexures have been reproduced in the Information Commission publication, Uttarakhand Update at pages 145-153. Copies of Uttarakhand Updates has been supplied to all DMs, CDOs, DIOs, SDMs, BDOs and all Pr Secretaries/Secretaries and HoDs and thus there is no excuse for using any other format. All District Level Officers should ensure that only these formats are in use by all APIOs, PIOs and DAAs. This is a legal binding as the Information Commission will take notice of only these Formats and the entries therein while computing Delays in Supply of Information under the Act,

3.2. Many district level officers were not aware of the details of these three Formats and some district level PIOs were found using Formats which had been used earlier than the
one mentioned in paragraph 3.1. These must be changed at once and the entries of the "unauthorised" formats should now be transferred to the prescribed format.

**Departmental Appeals:**

3.3 Many district level PIOs were not aware that they are mostly PIOs for their own offices but DAAs for their subordinate PIOs; thus many of them were not aware of the Format for the DAA they are expected to keep and use. All district level PIOs must check this out and familiarize themselves with the work of the DAA.

3.4 Most of the district level officers, who have now to function as the Departmental Appeal Authorities, under section 19(1) of the RTI, have not fixed any date for hearing the appeals. All district level officers/district level departmental appeal authorities must now fix one day in every week, or at least one day in every fortnight, when they are in office at their designated headquarters and notify such a date for hearing the departmental appeals. On these fix dates they have to conduct their office-work and on the same day they must set apart a fix time in the day/days for hearing departmental appeals under section 19(1).

3.5 The officers like the Commissioners, Additional Commissioners, District Magistrates and SDMs and other Executive Magistrates on the executive side and various judicial officers/magistrates on the judicial side, already have fixed "court-days". These DAAs should keep the appeal days on the "court days" already so fixed, and widely publicize the days. Their subordinate PIOs, in any case, must know of these days as in some cases the DAAs may require their physical presence in addition to written statements on the appeals filed.

**Training for Departmental Appeals:**

3.6 Most of the district level officers have not received any training to discharge their duties as the Departmental Appeal Authorities. Template Notices by the DAAs to both the parties, the fact that the appellant is to be served the notice, the fact that the appeal in these cases cannot be dismissed due to his absence, the fact that the onus of proof for having complied with the provisions of the RTI lies squarely on the PIOs, standard rejection order and other formats to be used, are required to be imparted to the DAAs. This type of training is in any case required to be given to the district level officers, as they have to undergo the same procedure while dealing with departmental administrative proceedings. The Uttarakhand Academy of Administration must immediately prepare a course module for all DAAs and accompanying Dos and Don'ts as DAA and impart this training on a very large scale. As the scale is going to be quite sizeable therefore a Core Group of Training Institutions under the UAA, Naini Tal should be assigned this duty and the training sessions can be organized by the respective Training Institutions like the UAA itself, UIRD, Rudrapur, the FTI, Haldwani, DIETS(Education department), the Patwari Training Institute at Almora, the ETCs and other training institutions. These will require to be conducted for many years to come and this should therefore be also included in the Foundation and Professional Courses for all directly recruited staff and the In-service modules run by the departments. The Information Commission should convene an urgent meeting of the UAA and all other Training Institutions and plan such a programme, in which the Commission could also assist substantially.
Prescribed Records:

3.7 Visits to the Tahsils and Development Blocks during this trip has highlighted the need to undertake a major drive in the state for "Standardization of Prescribed Records" for each of the public authority in the state. The Information Commission, as it is to take a legal notice of all records in use in each of the public authority must launch a drive and call upon each State Level Public Authority (58 of them who are furnishing the Monthly Progress Report to the Commission), to complete the following task and report to the Commission in a Week's time the following:

(a) A Comprehensive List of all "records" "prescribed" by the public authority/department, through their Acts, Rules, Government Orders, Department Manuals which are in use at all levels of the public authority,

(b) A copy of their Weeding Rules, appending a list of records with their periods of retention,

(c) A list of periodical returns, or statements, or any other official arrangements, though which the official progress of their activities are called for compilation at the state headquarters, for reporting to the state government, or in the Annual Report of their Department, along with a copy of the directions issued to fill these periodical returns/statements,

(d) A list of statements, returns or diaries (daily or otherwise) prescribed for the supervising officers of the public authority which has been prescribed by any Act, Rules or executive order, or otherwise, which carries official sanction and can be used for official purposes, and

(e) A List of statements, periodical returns, registers, or formats which are being used without any statutory authority or legal sanction of the public authority, which requires to be banned or disallowed officially henceforth, and which need to be notified as not being a "record" for the purposes of the RTI Act.

Compilation of the Prescribed Records by each Public Authority:

3.8 These "Prescribed Records", after these have been compiled by each of the State Level Public Authority and after their approval from the administrative department are to be compiled by each public authority and communicated to their Public Information Officers and the Departmental Appeal Authorities, with a copy to the Information Commission, for the purposes of the RTI Act. Only those records which have been included in such compilations shall be taken note of, both for the purposes of the RTI access and as a proof of having been destroyed after following the Weeding Rules. Each public authority shall also issue directions that no unauthorized records, which are not included in this compilation, are to be used in any office subordinate to the State Level Public Authority. Maintenance of any "unauthorized records" shall be taken note of the inspecting/supervising officers of the public authority concerned, as well as the Information Commission.
3.9 Each public authority will ensure that the Compilation of the Prescribed Records consists of all "records in use in the public authority for any purposes" and these same records also figure in the Weeding Rules, with their period of retention mentioned against them.

Follow Revenue Department Records Manuals:

3.10 Each public authority should convert such a Compilation into a Records Manual of the Department, like it has been done in the case of Land Revenue. All records of the Revenue Department have been prescribed and brought together as the Land Records Manual and their Weeding Rules prescribe the period of retention of each of the records mentioned in the Land Records Manual. Revenue department is a good role model to follow and all public authorities should get a copy of the Land Records Manual and try to frame their own Departmental Records Manual, which should also include the Weeding Rules, incorporating the period of retention of each record prescribed by the Land Records Manual. For the revenue cases the Revenue Court Manual prescribes all records therein, manner of request of compliance for copies of records in such cases etc. Thus in the revenue department most of the departmental records have been covered either by (i) the Land Records Manuals, or (ii) the Revenue Courts Manual,

Miscellaneous Records covered by the RTI

3.11 With the enactment of the RTI Act all such records which were neither covered by the Land Records Manual or the Revenue Courts Manual are now covered by the RTI Act. Field visits to the various tahsils revealed that most of the applications under the RTI related to those activities which were being performed by the revenue officials and which did not relate to the land management or land related court-work. These are related to various inquiries which are entrusted to the executive magistrates (SDMs, Tahsildars and other subordinate revenue officials). The following activities which are directly not related to land revenue/land management is being carried out by the executive magistrates and the subordinate revenue officials:

(a) **Permanent Residence Certificate (Sthai Niwas Praman Patra)** is easily the one miscellaneous activity which is most in demand. There are two GOs issued by the General Administration Department (GAD) viz No. 2588, dated 20th November, 2001 and No. 28, dated 9th February, 2004. The second GO No. 28 is an improvement on the former in so far it prescribes (i) the place and format and the person(s) to whom the application is to be presented,(ii) entry of the application is to be kept for the purpose,(iii) receipt to the applicant,(iv) period within which the Lekhpal is required to submit it to the Tahsildar and its entry in their own records,(v) period fixed for Tahsildar to forward it to the SDO and to fix a date for the applicant for removal of doubts if any,(vi) maximum period for the SDO to issue the Certificate or rejection with reasons to be communicated to the applicant, (vii) review powers with the Collector which is declared final, and (viii) SDO to review the register of applications for checking pendency once a week. The revised, and extant orders of the 9th February, 2004 are closest to the requirements all such applications
must meet for timely disposal. This work according to the SDM, Lohaghat is maximum, and every year on an average 3 to 4,000 certificates are issued in his sub-division (Lohaghat sub-division today has a population of 1,16,000, after separation of Pati, with Pati it used to be 1,56,000; which in turn used to be 2,24,000 before separation of Tanakpur sub-division). Before creation of the state it had a high of 5,556 in 1998 and after the creation a maximum of 5,236 was recorded in 2002. Presently it averages 4,000 plus every year,

(b) **Character Certificates (Charitra Praman Patra):** The extant GO issued by the Public Works Department NO. 3428, dated 20\textsuperscript{th} October, 1984 seems a follow-up of GO No.5638, dated 1.1.83 (a decision, para 4 of which states that a Character Certificate will be obtained from the Contractor/Thekedar at the time of his registration) and through this GO it has been stated that this Certificate must be issued by the District Collector, or Additional Collector or a Deputy Collector, with his name and seal clearly visible and legible otherwise it would be deemed illegal. A revised draft character certificate is also appended to the GO. In Lohaghat from 2001 onwards these Character Certificates are being issued starting with 317 in 2001 this number peaked in 2003 to 1095 and has been fluctuating ever since, averaging 700 to 800. Typically, the GO continues in use, doesn't say whether this has been validated after the state was created; and most importantly no particular receiver has been identified, no register where records are to be kept has been prescribed and no outside time limit for its issue has been fixed. Obviously, in the absence of all these co-ordinates it would be very difficult to trace its continuity or timely issuance, leading to all kinds of mal-practices. This deserves a total over-haul on the lines of the GO on the Permanent Residence Certificates.

(c) **Minorities Certificates (Alpasankhyak Praman Patra):** In existence, bearing No. 429, issued by the Alpsankhyak Kalyan evam Waqf Anubhag, dated 31\textsuperscript{st} October, 1998, with a format appended, authorises DMs/ADM/DMs/City Magistrates/SDMs/Tahsildars or any other executive magistrate authorized on this half. Suffers from all shortcomings mentioned in the Character Certificate, no where registers for receipt, or issue, or time limit etc has been prescribed. Although not at all used in the Lohaghat sub-division, it remains in the Guard File of the DDO/SDM, and deserves either amendment and further detailing and of course, endorsement in the new state for its use or abolition altogether,

(d) **Caste Certificates (Jati Praman Patra):** Most contentious of them all and recently a subject matter of an appeal pending in the Information Commission, which was also pursued by the Commission during this round of Field Visits. SDM Lohaghat's Guard File has as many as five GOs on the subject of Caste Certificates. Two pre-date the formation of the State.

The First, issued by the Personnel Department (Karmik) in UP No 22, dated 5\textsuperscript{th} January, 1996, draws attention towards earlier GO No. 484 dated 29\textsuperscript{th} March, 1994 and this GO sees to prescribe scrutiny procedure for verification of a Caste Certificate before filling a reserved post, following Supreme Court decision of 2\textsuperscript{nd} September, 1994 (Kumari Madhuri Patil vrs Additional Commissioner Tribal; and Writ No. 2884 of 1995, passed by the High Court bench of Lucknow (Dr Anand
Pratap Singh vrs UP State. This deserves to be looked at by the Personnel and Social Welfare Department of Uttarakhand Government, as in Uttarakhand the Personnel Department and Social Welfare Department both seem to be issuing orders on Caste Certificate related issues. Both Departments should also check-up as to which Department should be issuing any instructions on the subject, based on the Distribution of Business Rules, issued under Article 166 of the Constitution. Subsequent orders /Gos issued by the Personnel or Social Welfare Department do not seem to take any notice of this, while this GO remains on the Guard File of the SDM, Lohaghat.

The Second, bearing No 1708, dated 5th November, 1998, issued by the Backward Classes Welfare Section, covers issuing Caste Certificate for the members of Backward Classes, based on Ordinance issued on the 23rd March, 1994 (55 entries), adds 37 sub-castes issued through a Personnel department; revised list of 70 entries by the Backward Classes Welfare department.

Both belong to the UP days and suffer from the fact that no specific directions have been contained in regard to registers to be kept by any particular office, maximum time for issuing certificates etc etc.

Of the Third, Fourth and the Fifth GOs, all issued after formation of the state, the First has been issued by the Personnel (karmik) and the other two by the Social Welfare Department. At the Centre, now the Reservations related matters are dealt with in the Personnel, whereas for the developmental matters and atrocities related matter there are Social Empowerment and Tribal Affairs Ministries. It would be advisable to enquire about distribution of work among those three Ministries and take appropriate decision in the state about the distribution between the two departments in our state, viz the Karmik and the Social Welfare.

The GO No. 1540 (1) / Karmik - 2, dated 29th March, 2003 seems to be the main operating GO issued under section-9 of the Uttar Pradesh Lok Sewa (Anusoochit Jatiyon, Anusoochit Janjatiyon Aur Anya Pichedey Vargon Ke Liye Aarakshan) Adhiniyam, 1994. All it says is the authorities who are authorised to issue certificates and the proformas which have been prescribed. This GO suffers from the precision about the prescription about registers prescribed for entering applications for these Caste Certificates, ambiguity whether the application registers are to be kept at each place of office competent to issue viz. DM, ADM, City Magistrate/SDM/Tahsildar, fails to prescribe the process of filing application, forms required to accompany an application, levels of enquiry the application form has to undergo, maximum time which can be taken at any level etc. The Fourth and the Fifth, bearing Nos.3323 dated 16th December, 2003 and No. 1358 dated 18th September, 2006, are their specifically in context of Certificates for the wards of the migrants to other states and conveying of lists of SCs, STs and OBCs of the new state of Uttarakhand. The Fourth and the Fifth, deserve to be included in a Compendium which should be brought out on all GOs related to reservation issues.

From the viewpoint of present discussion on the legal status of the records related with the issue of Caste Certificates, it becomes obvious that there exists a case for issuing detailed Orders in respect of issuing of New Caste Certificates, clearly
specifying the levels where the applications can be received, prescribing an application form and the annexures which are required to be appended, a register for receipt of applications, entering details of application, mentioning levels of enquiry and submission of inquiry report/recommendation, names of inquiry officials, approving official's name and designation and date of issuing the certificate. Details akin to ones in the Permanent Residence Certificate are required. All the records are to be declared Permanent and to be preserved permanently. Now, digitisation of all records related to Caste Certificate would be essential as the complaints regarding issue of false Caste Certificates have been received from many quarters and the Government of West Bengal is bringing out strict legislation for punishing such misdeeds. In Uttarakhand, in Kalsi already 12 false certificates have been proved and action taken, including one against the the Pradhan of Kalsi.

Going by the above analysis it is clear that the registers kept at the DM, ADM, City Magistrate, SDM, Tahsildar on the issue of issuing Caste Certificates have to be immediately collected, and a consolidated list of all SC/ST/OBC certificates compiled, digitised and all Issue Registers now consolidated year-wise. Obviously, certificates issued directly from all levels other than the Tahsildars, are based not on the certificate of the local Patwari/Lekhpal; calling for verification from the concerned Tahsil's field staff. All past Issue Registers kept at various levels other than the Tahsildar must be kept at the Tahsil headquarters and the consolidated List made available to other levels. There is need for a Consolidated Order on Issue of Caste certificate which makes it more accountable and transparent, than it is at present.

Unavailability of Pre-1984 Issue Registers and related records

3.12 The tahsils of Haldwani and Khatima reported unavailability of Caste Certificate Issue Registers of pre 1998 and 1994 vintage. Haldwani Issue Registers were collected after the Information Commission called for reports from each Tahsil, year-wise from 1951 onwards. DMs should quickly complete the exercise ordered by the Commission, and while doing so they should keep in mind the date of creation of Tahsil, while demanding the information. It is now obvious that the Issue Registers kept at the DM, ADM, SDM, City Magistrate, besides the Tahsil, will also be required to assess the position. DMs should now additionally report about the up-keep of application forms submitted to the all other levels will need to be inquired, before a final assessment is made. These now have to be collected and sent to the Tahsil concerned for being preserved as a permanent record.

Development Block records Most Un-organized:

3.13 Going by the evidence of Haldwani and Khatima Blocks the Rural Development Department and the Panchayati Raj Departments need to immediately attend to the existing situation, both in context of the RTI record keeping, and even other-wise departmentally, which to say the least is most alarming. Not surprisingly, given the situation as it exists, the monthly progress report of the Rural Development Department and the Panchayati Raj departments is a very small fraction of the total number of applications received during the financial year ended 31st March, 2007. While the Revenue department accounted for 19.43% of total applications received (1784 out of 9184), as reported in the MPRs, the Rural
Development department reported just 6.45% (592 out of 9184) and the Panchayati Raj 1.05% (96 out of 9184).

3.14 Khatima blocks prescribed registers, monthly returns and other papers were examined at length. The block Pramukh Sri Anand Arya was also present during the review of records and examination. Khatima has a population of 1,89,203 (2001 census), 92 revenue villages, and 55 Gram Panchayats and 28 Gram Panchayat Vikas Adhikaris. The BPL survey has identified 12,632 BPL families.

RTI Registers and Disposal of Applications received:

3.15 Register No. I, meant for the APIOs has not been kept on the prescribed proforma and the two entries of 26 March 2007 of Mohan Chand Joshi, village Pachauria, PO Chakarpur, seeking information about the budget of Gram Panchayat Kutri, for years 2002 to January 2007, has not been disposed of. Neither is the entry complete. The in charge BDO, Sri RC Fular and the ADO (Panchayat) are unaware of the Registers format as well as how to dispose the application. They have not received any training nor has any touring officer cared to educate or advise them. The second entry in Register No. I is dated 26th April 2007, from village Sarpura, requesting for budget expenditure in the village during the last 4 years. The postal order of Rs 20 in the name of the BDO has been encashed and transferred to APIO. This has been signed by the Gram Panchayat Adhikari, designated as APIO! It shows utter ignorance about almost the entire process of RTI! No one seems to have any clue as to what is being done or noted on registers kept. The ADO(Panchayat), also was unaware about the entire process. A Register No. 2 has also been kept for the PIO. Its heads are not on the prescribed format. It has just 9 columns instead of the prescribed 16. There are no entries in it. Another Register No. 3, entitled Lok Soochna Appeal registration has been kept it is also not on the prescribed register. The BDO and the ADO had no idea where the Registers were prescribed or what is the meaning of all these registers. In brief, all the three registers are neither on prescribed proforma nor have they been filled up. Above everything else the staff concerned have absolutely no idea about the entire regime of the RTI, while methodically they are returning Zero figure in their monthly returns to the CDO office!

Reporting Zero for 12 months to the DM and the DDO!

3.16 On request all returns furnished in the name of monthly progress reports were scanned it appears that the BDO has sent returns to the DM, US Nagar on 25th March, 2006 (No. 1435), 25th May, 2006 (No. 190), 22nd June, 2006 (No. 278) and similarly to the District Development Officer (DDO) on 25th March, 2006 (No. 77), 25th May, 2006 (No.189), 22nd June, 2006 (No. 276) on 21st July, 2006 regularly for all the 12 months? Only one thing is common in these two sets of monthly reporting the set of letters go on the same day one each to the DM and the other to the DDO, bearing different despatch number, with one common fact that these all report ZEO month after month. This consistency is amazing in the sense hat the BDO does not ask either of the two, the DM and the DDO, as to why they need two reports, on the same format. Apparently at the district level also there is no co-ordination on reporting and while there is consistency in reporting there s no check, no quality-control on reports. The BDO also could not care less! These MPRs are also kept on a file un-numbered and
just bunched. However, the format of DM is different from that of the DDO, DM is using his own Format while the DDO has used the one prescribed by the Commission.

**Actual Applications received and handled by the Block:**

3.17 On demand the BDO made another file (un-numbered) in which correspondence related to RTI has been handled. This shows the following papers on RTI:

(a) Application from one Keshar Singh Chauhan, Up Gram Pradhan, village Khetarsanda Mustajar, dated 28.5.2006, with a copy of challan of Rs. 10, dated 10\(^{th}\) May, 2006, on Form No. 43-A, FHC, Koshgar Patra, Treasury Sub-Treasury, addressed to SDM, Khatima; SDM marks it to BDO Khatima on 22\(^{nd}\) July, 2006. This relates to information on BPL cards issued by the BDO, development works in Khetalsanda Mustajar. SDM has just marked it by hand to the BDO. Neither the SDM enters on his Register 2 for PIO and transfers it to the BDO, nor BDO enters it in his register of the PIO. BDO vide his letter 428, dated 2\(^{nd}\) August, 2006 sends it to GPVA Khetalsanda Musajar, calling for information. No copy is marked to the applicant either by the SDM or by the BDO till 2\(^{nd}\) August 2006, even though the challan has been deposited on the 10\(^{th}\) of May, 2006 (already more than 82 days have been taken by these two officers, without the applicant knowing anything about it, and without any entries in the Registers of the SDM and the BDO !). technically speaking the period of both the PIO and the DAA is over, and deemed rejection has taken place. First reminder to the GPV Adhikari is issued on 21\(^{st}\) August, after 19 days! (Letter No. 512), calling for his explanation for delay. GPVA informs the BDO on 25\(^{th}\) August, 2006 that he has furnished details required to Keshar Singh and his acknowledgement is furnished. SDM is also informed vide No. 539.

(b) The next application is one addressed to the PIO of US Nagar, marked to DPC/AO by the APIO, on 8.8.2006, Rs 10 being deposited on the date of application itself in cash by one Kishan Singh Uprari, of Parvatiya Gramodyog Sewa Sanstahn. It calls for information statistics on Kahtima, ICDS, Widows etc. The APIO has just marked it on the margins. This has been passed on to the BDO vide NO 910 on the 10\(^{th}\) August, 2006, transferred under section 6(3), with copy to the applicant. There is a number 644/11.8.06, probably despatch no. It is not registered post. BDO marked it to ADO(P) on 11.8.2006. BDO calls for information from ADO SW and ADO etc. On 23 August, 2006 BDO informs the applicant that information has 532 pages and he should deposit Rs 1,064 as copying fee; copy endorsed to CDO for information. Letter is acknowledged by the applicant on 25\(^{th}\) August, 2006. Another letter is sent with calculation memo on the 16\(^{th}\) September, which is also received by the applicant on the 22\(^{nd}\) September.

(c) Applicant Ms Shahida Naaj, Poligunj Majhola, applies to PIO, DSO/BDO, with Rs 10, dated nil, on 5 points related to civil supplies; **BDO transfers it on 9\(^{th}\) November, 2006** to the Supply Inspector( No. 884), with copy to the applicant. Not registered post and not posted on APIO register. This should have been entered in the PIO register of the BDO, and shown out after issue of letter. This should have also been reported in the MPR of November, 2006.
(d) One Mohan Chand Joshi, village Pachauriya, applies to the APIO, GPVA, Gram Panchayat Kutri, with Rs 10 as application fee, on 25th January, 2007 calling for budgetary details for 2003 to 2007 and suggesting that he will be depositing extra expenses on being told. This application should have been registered in the PIO register of the Pradhan Kutri Gram Panchayat, and should have been reported in the MPR for the month of January, 2007, which has been reported Zero by the BDO. The BDO apparently has not been checking the PIO registers of the Pradhans/PIOs before reporting the MPRs. The ADO (Panchayat) or the BDO himself should have taken this report in the MPR for January, 2007. Joshi reminds BDO about it on 26th March, 2007; BDO reminds the GPVA on 26th March, 2007(No.1453); still misses to include it in the MPR; second reminder on the 28th March (No. 1462). Mohan Joshi writes to the BDO on 19th April, 2007 expressing his satisfaction on action taken by the GPVA "orally informing about the cash book of Kutri"!

(e) One Chamu Singh applies on the 26th April, 2007, with postal order for Rs. 20 and by registered post calling for information on 8 counts, about Gram Padhan Nand Lal, Pradhan of village Sarpada Bagcha to PIO, Block Khatima. BDO transfers the information in the original to PIO, Pradhan on 30th April, 2007(No. 102), with copies to the applicant and the GPVA. This should have been entered in the PIO register and exited and reported in the MPR for the month of April, 2007. Sends copy to GM, DIC on 3rd May, 2007(No. 112), with copy to the applicant. However, the BDO returns Zero return for the month of April as Zero to the DDO (No. 65, dated 23rd April, 2007) also to the DM (No. 68, dated 23rd April, 2007)!

GPVA on the 18th May, 2007 furnishes information on the 8 points to the BDO, which is kept on the file shown to the Information Commissioner, with the assurance that a copy of this would also be made available to the applicant.

3.18 These five cases, reported in extenso, show that how the applications being handled by the various officers of US Nagar, from the Collector to the GPVA, and all in between, are still handling these as any other correspondence in the past, or as in all non-RTI cases, and totally oblivious of the time being taken is also not being brought on the registers of the PIOs, at various levels. Out of the five noted here, four belonged to the last year and the fifth to the current year; however, all five remain outside the reporting.

Reporting of section 6(3) Cases:

3.19 Yet another issue which emerges from these five reported cases is, how to deal and report the cases transferred under section 6(3). First issue is to bring them on PIO register. The five point MPR, presently in use, does not capture the cases handled through section 6(3) mechanism. These cannot be termed as "substantially handled" by the PIO, who transferred it to another PIO, who was concerned with the subject. However, on transfer, the next PIO is also to bring it on his PIO register, In such a case it becomes double reporting in as much as it is brought to more than one PIO. There could be cases, like the one on (b) above which relate to several PIOs. To the extent, one application is dealt by many PIOs, it substantially gets converted into more than one PIO, as each sub-part becomes an application in itself. The only loss is that of application fee, per application. Thus, where in one application more than one PIO are dealing with the application, the application could be entered in as many PIOs as
will be required to deal with the subjects/themes and to that extent the reporting cannot be perhaps termed as duplicate reporting. Only in cases, where the entire application gets transferred there is a case for not reporting it on the PIO register of the transferer PIO. This would require elimination of such transferred applications under section 6(3).

**Non-use of Authorized Records and Use of Un-authorized**:

3.20 It was observed that Khatima Block was using Aarthik Registers which were different from the original one. The Aarthik Registers had spaces for entering progress reports e.g. Indira Awas allotted, which were entered for some years but during the first three years after the formation of the state no entries have been made in the Aarthik Registers, even though it had been in use. Officially, even now it is in use, as it has not been suspended/abolished/withdrawn. However, entries are being made on registers/records which have not been officially prescribed. Why the Aarthik Registers have not been used, the BDO had no explanation; just as he had no explanation for entering them on "unauthorized records". Now, if information was asked from the "authorized records", as there are no entries, how can information be made available from the block records? No entries have similarly been made about the SHGs assisted, even though there is space on the page mentioning the IRDP, DWACRA or TRYSEM, whom the SHGs have replaced. How and where are the entries related to SHG maintained and whether they are "prescribed"?

3.21 Asked whether the Indira Awas entered in the Aarthik Register have been reflected in the new Survey of BPLs, the BDO could not say with any certainty. What needs to be immediately done is to prescribe "authorized registers like the Aarthik Registers" for entering "outcomes" or "outputs" like was being done in the Aarthik Registers. In the absence of such Registers all records are being maintained in an unauthorized manner, which may be contested at any state and the Commission will have to take a stand on these records and their authenticity? The Rural Development department has to seriously remove this lacunae, as it has already happened for so many years now. What is true of the Rural Development department is also true for all public authorities, and each of them are now required to ensure that such entries are now recorded on only "prescribed and authorized records only" and all other entries be officially banned and declared illegal.