

**DELHI JAL BOARD: GOVT. OF N.C.T. OF DELHI
ROOM NO. 315-B, OFFICE OF THE NODAL OFFICER, RTI CELL
VARUNALAYA PH-II, KAROL BAGH, NEW DELHI-05**

No.DJB/Nodal Officer/RTI/2022/ 2479

Dated: 24/11/2022


CIRCULAR

Ref: Circular no. F.13/2017/AR/7495-7744 dated 14-10-2022, issued by Dy. Dir. (AR)/HOO, Govt. of NCT of Delhi regarding implementation of RTI Act 2005.

Delhi Jal Board has received a circular no. F. 13/01/2027/AR/7495-7744 dated 14-10-2022 of Dy. Dir. (AR) Department, Govt. of NCT. The Dy. Dir. (AR) has endorsed a U.O. no. 25(1)/22-RN/484/A-3867 dated 30-09-2022 issued by Spl. Secretary to Lt. Governor of Delhi regarding failure of the Delhi Government in the implementation of the Right to Information Act, 2005. It has as enclosure DO letter of Information Commissioner, CIC wherein he has highlighted failure in implementation of RTI Act in true spirit as also. Lack of transparency and accountability on issue of core governance involving public interest, alleged corruption and nepotism.

The same is herewith circulated to all the First Appellate Authority and Public Information Officer for information and strict compliance the direction. All corrective action as per RTI Act needs to be taken by all PIO/FAA & administrative wings.

Encl. as above.

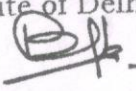

(Virender Singh)
Assistant Commissioner (RTI)

All First Appellate Authority
All Public Information Officers

EE/SP

Copy to:-

1. Dy. Dir. (AR)/HOO, AR Department, 7th Level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi for information please.
2. EE(EDP):-with the request to upload the circular on the website of Delhi Jal Board.


Assistant Commissioner (RTI)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
ADMINISTRATIVE REFORMS DEPARTMENT,
7TH LEVEL, C-WING, DELHI SECRETARIAT,
I.P. ESTATE, NEW DELHI
Email : arupdate@nic.in

Chief Executive
2202/ekm
17/10/2022
Date
DELHI JAL BOARD

F.13/01/2017/AR/ 7495-7744

Member (Admin.)
Delhi Jal Board

Diary No. 9379

Dated : 14.10.2022

CIRCULAR
Date 17/10/2022

3188
19/10/22

The Administrative Reforms Department, Government of NCT of Delhi has received a U.O. No. 25(1)/22-RN/484/A-3867 dated 30/09/2022 by Spl. Secretary to Lt. Governor, Delhi. The Spl. Secretary to Hon'ble Lt. Governor has endorsed a D.O. letter No. CIC/IC(UM)/2022/15 dated 22nd September, 2022 addressed to Hon'ble Lt. Governor, Govt. of NCT of Delhi regarding failure of the Delhi Government in the implementation of the Right to Information Act, 2005, wherein it is pointed out that :-

17/10
CAAP
21/10

"Most of the Departments under the Delhi Government which directly deal with the ordinary people, either hold back genuine information with ulterior motives, refuse to share legitimate information with the appellants or serve them with misinformation. It has also been pointed out that the Public Information Officers (PIOs) are not remaining present and sending their clerks and lower level personnel to appear before the Central Information Commission (CIC)"

In view of the seriousness of this issue, highlighted by the Central Information Commissioner, the Spl. Secretary to Hon'ble Lt. Governor, Govt. of NCT of Delhi has informed that in view of above seriousness, highlighted by the CIC, the requisite corrective action as per rules may be taken by the administrative department under Govt. of NCT of Delhi under intimation to this Department.

All Heads of the Departments are requested to take necessary action and submit a report latest by 31/10/2022 at 5:00 PM.

This issues with prior approval of Hon'ble Lt. Governor, Govt. of Delhi.

gn
B
21/10

Issue advisory to all
PIO / APIO / FAA'S. Inf.

Yours faithfully,
(Lakshmi Raj Singh)
Dy. Director(AR)/HOO

F.13/01/2017/AR/ 7495-7744

Dated : 14.10.2022

Copy to for information :-

1. All Principal Secretaries/Secretaries/HODs/ Heads of Local Bodies/ Autonomous Bodies/Undertakings/Institutions under Govt. of NCT of Delhi.
2. Hon'ble Information Commissioner, Central Information Commission, Baba Gangnath Marg, Munirka, New Delhi-110067.
3. The Spl. Secretary to Hon'ble Lt. Governor, Raj Niwas, Delhi-110054 w.r.t. U.O. letter No. 25(1)/22-RN/484/A-3867 dated 30/09/2022.
4. The Staff Officer to Chief Secretary O/o the Chief Secretary, Govt. NCT of Delhi, 5th Level, A-Wing, Delhi Secretariat, New Delhi-110002.

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19/10/22

(Lakshmi Raj Singh)
Dy. Director(AR)/HOO

5176
18/10/22

arupdate



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राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

CS/2022/22721

Please find enclosed herewith D.O. letter dated 22nd September, 2022 of Sh. Uday Mahurkar, Information Commissioner, Central Information Commission regarding failure of the Delhi Government in the implementation of the Right to Information Act, 2005 wherein inter-alia it has been pointed out that the departments like Revenue, PWD, Cooperative, Health and Power besides bodies like the DSSSB and the DSIIDC etc. which directly deal with the ordinary people, either hold back genuine information with ulterior motives, refuse to share legitimate information with the appellants or serve them with misinformation. It has also been pointed out that the Public Information Officers (PIOs) are not remaining present and sending their clerks and lower level personnel to appear before the Commission.

30.9.22

ACs (AR)

Put up by Lt. Govt
3/10

SD/DD-S(LA)

Therefore, in view of the seriousness of the issues highlighted by the Central Information Commissioner, Hon'ble Lt. Governor has desired that requisite corrective action as per rules in place to address the matter may kindly be taken at the earliest under intimation to this Secretariat.

Encl:- As above

(Tanvi Garg)

Spl. Secretary to Lt. Governor

Chief Secretary

UO No. 25(1)/22-RN/484/A-3867

Dated 30-9-2022

Copy for information to :-

Sh. Uday Mahurkar, Hon'ble Information Commissioner, Central Information Commission, Baba Gangnath Marg, Munirka, New Delhi - 110067.

Pl. examine and put up
draft instructions to all
depts.

ACs (AR)

461/c |

उदय माहुरकर
केन्द्रीय सूचना आयुक्त
DAY MAHURKAR
Central Information Commissioner



सत्यमेव जयते

RAJ NIWAS Delhi
Diary..... 31826
Dated..... 23/9/22

केन्द्रीय सूचना आयोग
कमरा नं.-306, तृतीय तल, बाबा गंगनाथ मार्ग
मुनिरका, नई दिल्ली-110067
CENTRAL INFORMATION COMMISSION
Room No. 306, 3rd Floor,
Baba Gangnath Marg, Munirka
New Delhi-110067
Tel.: 011-26182597
Email : uday.mahurkar@cic.nic.in

D.O. No. CIC/IC (UM)/2022/15

Dated : 22nd September, 2022

Dear Sir,

Subject: Failure of the Delhi Government in the implementation of the Right to Information Act, 2005, showing lack of transparency and accountability in issues of core governance involving genuine public interest and alleged corruption and nepotism.

The basic objective of the Right to Information Act is to bring transparency and accountability in the system by empowering the citizens. It is a major weapon in the hands of the common citizens to fight corruption, injustice, nepotism and lethargy in the system. But in the national capital it has been reduced to a lame duck Act by the Delhi Government, particularly in departments like Revenue, PWD, Cooperative, Health and Power besides bodies like the Delhi Subordinate Services Selection Board (DSSSB) and the Delhi State Industrial and Infrastructure Development Corporation (DSIIDC) etc. which directly deal with the ordinary people. Serious issues of misgovernance marked by corruption and nepotism remain unaddressed at public and individual levels in the national capital as these departments / entities show disregard for the principles of transparency and accountability as enshrined in the RTI Act, 2005, and run roughshod over the quest for crucial information from genuine, needy appellants that often impacts their property and life as they battle with a section of allegedly corrupt and lethargic officials of these departments/ entities.

2. In many cases the RTI applicants seeking information in these departments/entities are in miserable condition as their legitimate applications entailing information that has a bearing on their life are stonewalled. In other cases, genuine information regarding corruption and irregularity in government functioning is being held back with alleged ulterior motives. The PIOs either refuse to share legitimate information with the appellants or serve them with misinformation which in many cases is being done with mala fide intent or simply reflects their reckless attitude. But more than this the Public Information Officers (PIOs) who are supposed to present themselves for hearings, virtually insult the Commission by not remaining present and instead sending their clerks and lower level personnel to appear before the Commission.

460/c

3. It is a matter of concern that in more than 60 per cent of the cases concerning the Revenue department the CPIOS do not remain present citing official duty and depute their clerks and junior personnel to attend the hearing. In many cases there is a clear intent on their part to stonewall the information because of their questionable nexus. This is more than evident in cases where huge properties including ancestral lands are involved and clearly indicate high level corruption. In some cases that came before the Commission the applicants fighting for their rights regarding their ancestral land were found by the Commission at their wits end because a corrupt and lethargic bureaucracy it was just not willing to part with legitimate information they had sought.

4. There are glaring instances of the authorities not doing enough to protect larger public interest. For example, there is one case concerning major private hospitals of Delhi in which the hospitals in question have not given the mandatory treatment worth around Rs 580 crores to EWS (Economically Weak Section) category patients in Delhi but the Government is not doing enough to force them to pay because these hospitals have got a stay order on the recovery from the Delhi High Court. The total amount that all such private hospitals in Delhi owe in the form of not providing mandatory treatment to the EWS patients in the society is said to be around a whopping Rs 1500 crores with five of them alone owing around Rs 500 crores. These hospitals had taken land at concessional rates from the Delhi Government against which they had to provide subsidised treatment as part of the agreement.

5. Then information is not forthcoming on tenders of the PWD and certain other Delhi Govt entities which have been allegedly awarded the tenders at 50 to 40 per cent less rates as compared to the official tender price or have seen doubling of the tender cost on the other extreme side, thus raising serious issues of transparency, rather indicating a corrupt nexus between the officials and the contractors involved. In one case the tenders are of DSDIIC concerning public works in unauthorised colonies which have been regularised and therefore are connected with the progress of the lowest strata of the society. In this case tenders worth Rs 100 crores as per Government estimation have been given at prices which are 40 per cent less than the official tender cost and show a clear nexus between the officials and the contractors.

6. Significantly, in one particular case due to a clear nexus between the revenue department officials and an alleged forger, a genuine property owner whose property ownership has been challenged by a person on the basis of forged documents was denied copies of the relevant documents he has demanded in an RTI application despite clear orders from the First Appellate Authority. The applicant in this case is not just a lawyer but the son of a former Director General of Police. If this is the situation of a respected and well-connected entity like him one can very well imagine the condition of ordinary RTI applicants.

455/c ✓

7. Another glaring and allegedly deliberate failure on the part of the Delhi Government is to allow the DISCOM, BSES Yamuna Power Ltd (BYPL) in which the Government is a junior stake holder to remain outside the purview of the RTI act by taking cover behind a court stay order. The majority partner in the DISCOM, Reliance Infrastructure Ltd (RIL) of Shri Anil Ambani Group, got an order from the High Court in favour of its plea that it is a private company and therefore doesn't come under the RTI Act which is meant for Government or its bodies controlled by it. However, after this stay order the Supreme Court of India gave a direction in one case saying that any stay order given by a court won't be unending and will have to be reviewed every six months. In this case the DISCOM BYPL is engaged in providing essential services to the common men and has the Delhi Government as its junior part but yet it remains outside the ambit of the RTI Act in spite of the apex court order that stay orders will be reviewed every six months.

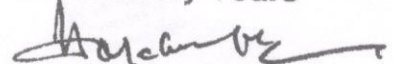
8. When the issue was brought before the Commission by an applicant the BYPL officials simply told the Commission that RIL doesn't listen to their pleas on the issue. The appellant kept on insisting that the BYPL should be brought under the ambit of the RTI after the SC order to address the irregularities of the DISCOM while dealing with the common men since it was running an essential service. This issue must be addressed without delay since it is not just a serious case of failure of the Government to protect genuine public interest involving a key essential service but virtually an example of a Government stabbing its citizens in the back.

I am sincerely trying to set things right on the issues and cases I have raised in this communication by using an iron hand and even issuing warnings to the high authorities. There is also some impact. But the malaise is much deeper. So, I thought I should bring it to your notice for necessary action.

Details of some of the cases mentioned in paragraphs 2 & 8 are attached for your ready reference and further necessary action.

With kind regards,

Sincerely Yours



Uday Mahurkar
Information Commissioner
Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi- 110067

Hon'ble Shri Vinai Kumar Saxena,
Lt. Governor of Delhi (NCT),
Block -6, Raj Niwas Marg,
Civil Lines, New Delhi - 110054