

Pune Newslines, The Indian Express, Wed, October 20,
2004 EXPRESS INITIATIVE

Aiming to reach the logical end with relentless RTI use

Members of the PMC's Women and Children Welfare Committee who went on a 11 day study tour to North India last year and spent four lakh rupees of the taxpayers' money have yet to give account of it, despite 21 months having gone by. Thanks to the Maharashtra Right To Information Act (MRTI), the Nagarik Chetna Manch is doggedly chasing the issue, that is hopefully giving sleepless nights to the tour members as well as the PMC. Here's the chronology of events.

IN FEBRUARY 2003, members of the Women and Children Welfare Committee of the Pune Municipal Corporation (PMC) spent 11 days and four lakh rupees on a study tour to North India, presumably with specific reference to the objective for which their committee has been constituted. However, post-tour, the committee never bothered to submit an official report on it despite the fact that it was undertaken at the expense of the tax payers' money and for the benefit of the citizens of Pune.

Using the Maharashtra Right to Information (MRTI) Act, citizen activist Maj Gen (Retd) SCN Jatar, President of the Nagarik Chetna Manch, demanded details of this tour and was amazed to find that the members had visited places like Amritsar, Dalhousie, Vaishno Devi and Jammu to get an insight into the emancipation of women and children in Pune.

No report was submitted, no details provided of experts on the subject spoken to and no accounts were given.

Not inclined to just laugh it off, Jatar has been doggedly chasing the matter since then, making representations to the municipal commissioner demanding action against those who went on the junket and those who connived at it- in the process resorting to the statute on the right to know thrice so far and gearing up for the fourth requisition now.

DECEMBER 4, 2003

First requisition under MRTI

IN response to Jatar's query on December 4, 2003 under the MRTI, on study tours undertaken by elected representatives and officials from January 1 to October 31, 2003, the Public Information Officer (PIO) of the PMC informed him that the Women and Children Welfare Committee had undertaken a tour during that period from February 1 to February 11, 2003. And that the participants visited Delhi, Chandigarh, Amritsar, Dalhousie, Vaishno Devi and Jammu.

Jatar did not get this information in one go. Having received incomplete information, he had to get back to the PIO and demand further explanation. But that is another matter.

The response stated that, between January 1 and October 31, 2003, one official study tour—that of the Women and Children Welfare Committee—was conducted. There is a provision in

the (municipal) budget for such tours. The tour and the (estimated) expenditure had the sanction of the municipal standing committee.

The information he received was:

- Six members of the committee - Usha Kelkar, Usha Jadhav, Vijaya Kondhre, Girija Iral, Rukmini Chakan and Kamal Vyavahare - two municipal employees Dr Baliwant and Bhagwan Panchmukh (described as sevak (presumably a class IV employee), besides two other persons Balkrishna Phatak and Murlidhar Kachare joined the tour. They travelled by rail.

- The report on the findings has not yet been submitted.

- An amount of Rs four lakh was paid to the travel agency as advance.

However, details of the expenditure have not yet been received despite repeated reminders from the office of the municipal secretary to the travel agency.

- Audit has not been done.

- Such tours are organised so that members get acquainted with the functioning of other municipal corporations—examine the roads, lighting, parks etc and then extend such facilities in Pune.

Not satisfied with the reply, Jatar wrote back to the PIO on December 25 and demanded full information.

On January 3 this year, the PIO obliged and gave the itinerary as well as the name of the travel agency: Sona Tourism Travels Company, 1154, Sadashiv Peth, Pune 411 030. An advance of four lakh rupees was given. The tour was in the form of 'package tour.'

"It is obvious from the information received by me under the Right to Information Act that the tour by members of Women and Child Welfare Committee is nothing but a pleasure trip organized as a package tour," protested Jatar. "They could not have found any time to meet with their counterparts. No report was either submitted."

So he wrote to the municipal commissioner on January 11 demanding:

- Recovery of Rs. Four lakh plus interest from persons who participated

- Blacklisting of Sona Tourism Travels Company for not submitting the detailed account of four lakh rupees despite repeated reminders,

- Disciplinary action against officials and others who approved the itinerary for the above 'study tour' and allowed use of public funds for a 'package tour,'

- Appropriate action against members of the Standing committee since the committee was aware of the itinerary and the mode and manner of travel,

- Appropriate action including considering relinquishment of the membership of the Committee members concerned for undertaking a study tour as a 'package tour' and not submitting any report thereafter,

- Action against persons other than corporators who went on this tour with the committee members,

- Suitable standing instructions to prevent recurrence of such incidents.

He did not receive a reply or even an acknowledgement.

FEBRUARY 18, 2004

Second requisition under MRTI

IT was time for Jatar therefore, to use the statutory right to know once again. On February 18 he demanded to know under the MRTI Act information on "specific action initiated" by the municipal commissioner on his letter.

The PIO wrote back saying he was consulting the municipal commissioner before giving him a reply. Finally, he received a reply refusing the information on the pretext that, "under the MRTI, only information is to be asked for."

Actually, The MRTI Act does not permit the PIO to pass on a requisition to any other, including, a higher officer. He may consult anyone within the organisation, but it is for the PIO to disclose the information to the requester within 15 working days.

Besides, Jatar did not demand under the MRTI any specific action. That was done by a representation made to the municipal commissioner. Under the MRTI he merely asked for information on any specific action initiated by the municipal commissioner on that representation.

So he went in appeal to the appellate authority (AA). The AA heard it on May 24 and upheld it.

As a sequel, the municipal secretary wrote to Jatar on July 13 that Sona Travels had not submitted detailed account of four lakh rupees in spite of seven or eight reminders and that the municipal corporation was considering filing a court case after due approval from the municipal commissioner.

Though he received some information, provisions of the MRTI were not strictly followed by the PMC. The municipal secretary does not come in the picture. If a requisition for information has been made under the MRTI, it has to come only from the PIO and no other officer.

Besides, the information received was truncated. Then began an exchange of correspondence between Jatar and the municipal administration.

In the second lot, following a reminder, he received the information that the civic administration was referring the matter to the legal advisor and they would appoint a lawyer to recover the amount from the travel agency.

After another round of insistence on full information, on July 31, he received a reply—once again from the municipal secretary—stating:

- As it was a package and a study tour, the question of recovering four lakh rupees did not arise. What remained was the account of this amount paid in advance.
- The PMC has blacklisted Sona Travels and in future Sona would not make any travel arrangements for study tours.
- The PMC had still not received the report of the study. As the tour was with "due approvals," the question of taking action on the members of the committee and corporation officials and others who accompanied them did not arise.
- In future, due attention would be paid before planning study tours.

The secretary was silent on the demand for the relinquishment of the membership.

Was this a cover up, Jatar wondered. On one hand, there were official admissions earlier that the amount was not refunded by the travel agency despite repeated reminders and that the administration was even seriously thinking of initiating a legal action and now suddenly it has taken the position that no recovery was warranted as anyway the tour was undertaken with "due approval."

SEPTEMBER 4, 2004

Third requisition under MRTI

REFUSING to give up, Jatar sent the third requisition under the MRTI Act on September 4 and asked for information on:

- Copies of correspondence with Sona Tourism & Travels culminating in placing the order on them to arrange the package tour. Did Sona Tourism & Travels also undertake the responsibility for meetings of the PMC team at the places visited by the team?

- Number of persons who availed of this package tour apart from those who belonged to PMC.
- Copies of the correspondence with municipal and other authorities of Delhi, Chandigarh, Amritsar, Dalhousie, Vaishno Devi and Jammu (the places visited under the package tour) regarding the visit of the PMC study team and details of appointments with the committee members or officials at these places for the study.
- Names of persons that the PMC team met at these places and the topics discussed.
- Has the municipal secretary's office brought to the notice of the competent authority that the PMC team has not submitted any report after the study tour? If not, is there any intention of doing so? If not, the reasons.
- Details (case file number, date, etc) of the legal/police action that the PMC has lodged against Sona with the police and with courts of law.

The PIO replied on September 23 saying:

- The municipal corporation has copies of the correspondence with Sona Travels, which we could collect. The civic body does not have any other correspondence because Sona Travels arranged the tour as a package tour.
- No outsider participated in this study tour along with the members of the committee and officials of the corporation.
- The municipal corporation does not have any correspondence regarding the visits of the study tour at various places.
- The municipal administration has written to the committee members about the report of the study tour but they still had not submitted it. The administration has brought the matter to the notice of the standing committee chairman.
- The municipal administration has informed Police Inspector, Deccan Gymkhana Police Station by a letter on July 31, 2004 to take action against Sona Tourism Travels Company.

Jatar collected the copies of the correspondence offered to him.

To his amazement, he came across a letter from the Municipal Secretary informing Sona Tourism that its quotation for the study tour of Women and Children Welfare Committee from February 1 to February 11 had been approved and accordingly a sum of five lakh rupees was being paid as advance for the tour.

All through, the PMC had been informing Jatar under the right to information law us about an amount of four lakh rupees. Here in this letter, an amount of five lakh rupees was mentioned. What exactly was the amount paid as advance, he wondered.

Secondly, by his letter on May 5, 2003, the Municipal Secretary asked Sona Tourism to submit the account and the bills for Rs. Four lakh advanced to it for the study tour.

The municipal secretary sent a reminder to Sona Tourism on May 27, 2003.

He sent another reminder on June 17, 2003.

The senior legal advisor of the PMC sent a legal notice to the Director of Sona Tourism on January 16, 2004 to submit the accounts within 10 days of receipt of the notice and warned him that the PMC would be constrained to initiate legal action if the accounts were not received before the deadline.

The senior legal advisor sent another legal notice dated March 31, 2004 with the same premise of legal action. Another period of 10 days was given for submission of accounts.

As things were getting murkier and no clear picture is emerging, Jatar says, he had no option than to make yet another requisition under the MRTI and demand to have:

- A copy of the letter from the PMC, blacklisting the travel agency;
- A copy of the purported letter from the municipal secretary on July 31, 2004 to the Deccan Gymkhana Police Inspector asking him to take action against Sona Tourism;
- A copy of the advertisement inviting tenders from travel agencies for the study tour. Schedule V Rule (1) of the Bombay Provincial Municipal Corporation Act states that the commissioner, before entering into any contract, should give advertisement in the local newspapers inviting tenders for such contract;
- A copy of the quotation received from Sona Tourism and other companies, if any;
- The PMC paid a sum of five lakh rupees to Sona Tourism by its own letter dated January 30, 2003. However, all other correspondence talks of a sum of four lakh rupees only. Hence, documentary proof of the one lakh rupees having been refunded to the municipal corporation and copies of accompanying correspondence where the travel agency might have mentioned the reasons for the refund.
- Status of the legal action initiated if any by the municipal corporation against the travel agency after the expiry of the 10-day notice period as mentioned in the two legal notices sent by the senior legal advisor on January 16 and March 31, 2004.
- If no action has been initiated, a copy of the order from the municipal commissioner and whether the competent authority approve the non-initiation of said action.

This relentless endeavour and exposure of the Nagarik Chetna Manch has shown the high-handedness of the corporators in utilising the citizens' hard earned money and hopefully will compel the relevant authorities to take action against their misdeeds.

The RTI weapon is a sharp one and if more and more citizens put it to use, it will help bring down maladministration, as such exposures is sure to put fear in the mind of the city fathers and government babus, who would think twice before misusing and abusing the tax payer's money.