RIGHT TO INFORMATION

DATA FLOOD IN INDIA

Right to Information as a tool of Investigative Reporting

By- Shyamlal Yadav

The Indian EXPRESS
JOURNALISM OF COURAGE

RTI Act

- Right to Information (RTI) i.e. Freedom of Information (FOI) Act – implemented in India in October 2005.
- Very simple to use– One can seek information from any government office with Rs. 10 as processing fee, though, there are some exemptions.
- Great weapon for ordinary citizen to make government machinery accountable and transparent.
- Many success stories are there and common men are solving their problems with the help of this act. Govt officials are forced to be transparent and accountable.

How we started

- After the RTI Act enacted In 2005 I started to explore the mismanagement of public money at high offices using this act.
- Since then, filed around 3000 RTI applications across the government seeking information of public interest. All was for and on behalf of my organization.
- Getting the stories through RTI which were not possible through traditional means of reporting.
- By wide ranging stories we have proved that RTI is a potent weapon of investigative journalism.

Offices where we explored and still exploring the stories

- President's Secretariat, Prime Minister's Office, Union Ministries and Departments and their subordinate offices.
- Public Sector Undertakings.
- Investigation agencies.
- Police organisations.
- Lok Sabha and Rajya Sabha secretariats.
- Election Commission of India.
- Planning commission.
- Central Vigilance Commission.
- State governments, chief ministers' offices.
- Secretariats of provinces' assemblies and legislative councils.
- And many more government offices across the country.
- We have 640 districts and for some story once I approached to even every district collectors.

The Indian Express where I work

- The Indian Express in best known for investigative reporting with the moto- JOURNALISM OF COURAGE. Established in 1931, this newspaper has always been regarded for its credibility.
- We have launched massive campaign through RTI across the country to explore the mismanagement of public money and wrongdoings of public servants.
- Before November 25, 2011 I was with India Today weekly.

RTI to know river pollution



Living
WILDLIFE | PERSONAL FINANCE | ENVIRONMENT | HEALTH | SCIENCE & TECHNOLOGY

THE YAMUNA
With increasing sewage and industrial waste, and no flow of required fresh water, the Delhi stretch of the Yamuna is almost dead. Efforts to resuscitate the river have been futile as it turns into one big sewage drain.

THE CENTRAL POLLUTION CONTROL BOARD'S FINDINGS SAY THAT MOST OF THE RIVERS IN INDIA ARE NOT JUST POLLUTED BUT SEVERELY TOXIC.

VIKRAM SHARMA / www.indiatodayimages.com

WILDLIFE | PERSONAL FINANCE | ENVIRONMENT | HEALTH | SCIENCE & TECHNOLOGY

Streams OF FILTH

Money is flowing like water into prominent government projects on river conservation, but there is little effect on the nation's lifelines

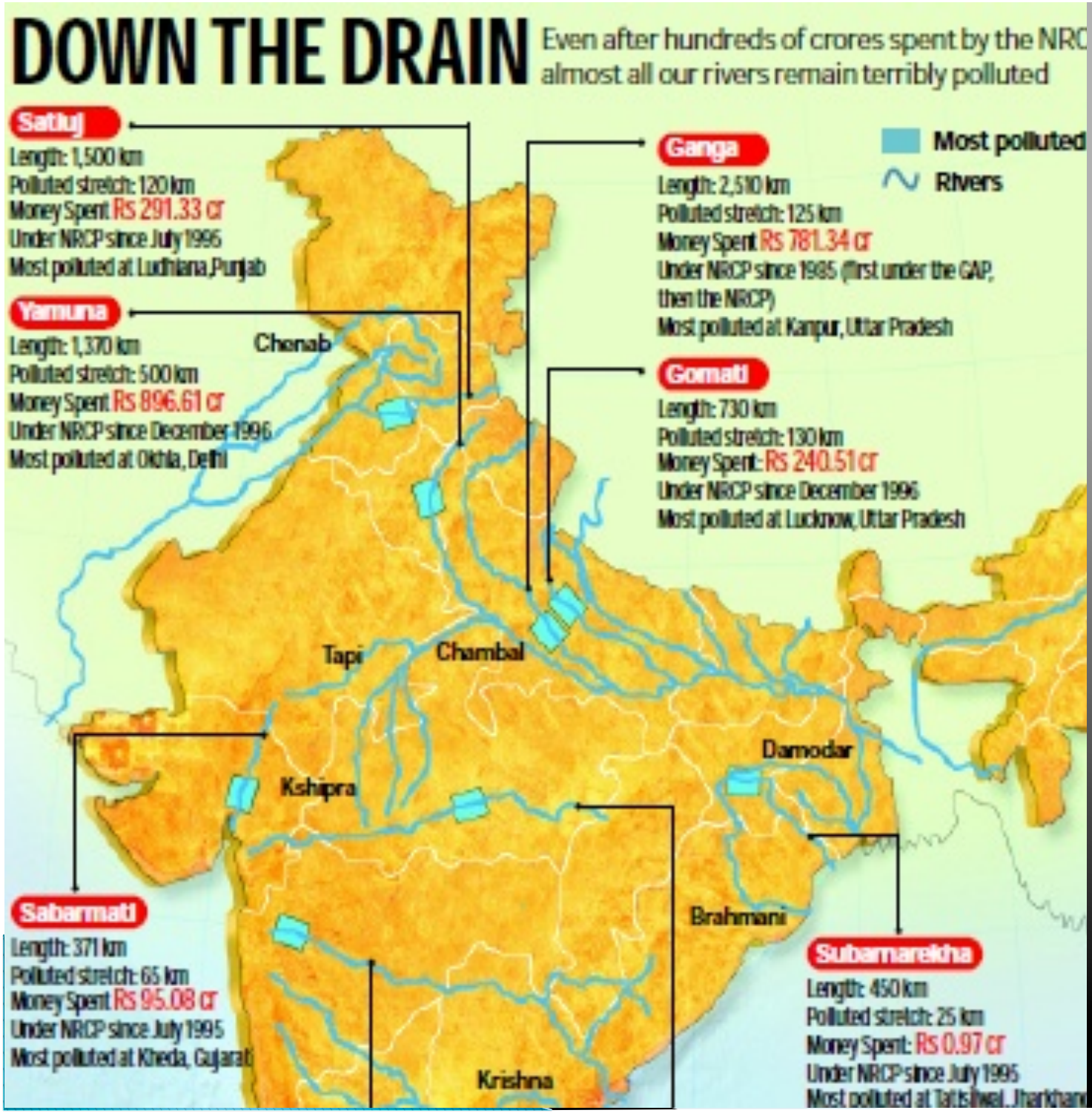
By Shyamlal Yadav

In a fantasy India, a cinematic, fictitious one, the River always flows with serene timelessness. Wherever it goes—icy crags, dusty, thirsty plains or through heavy, damp air—the River contains spiritual depth and emotional weight. All this is lovely to dream, and ideal for tourist brochures where India is called incredible. But to believe that the River in India is both holy and pure is to believe that fiction is fact.

In just over a decade, India's major rivers have been desecrated. Urban filth and industrial pollution are scientific causes, but what drives them is personal greed and administrative indifference. Environmentalists believe that apart from industrial pollution and sewage, the increase in number of slaughterhouse, dhobi ghats, crematoria and slums are the major sources of pollution in these rivers. Every year, religious idols are immersed in rivers which lose a little more of their life as they are choked yet again. Recently the Supreme Court rejected a PIL filed by a Delhi resident Salek Chand Jain seeking a ban on immersion of idols in rivers and said, "The court can't ask so many states to impose a ban. You may approach appropriate authorities to have your grievance redressed." In major towns, as riverbeds run dry with an expanding sheet of silt, the construction business steps in to offer roughly built brick structures that can be ashrams as well as apartment blocks.

Take Delhi for example. As the host for the 2010 Commonwealth Games, an athletes' village was built on the Yamuna riverbed by arm-twisting the law and court rulings. This, when Delhi's sewage mechanism is teetering on the verge of collapse. The total sewage generated is 3,470 million litres per day (MLD) in a city that has a treatment capacity of around 2,325 MLD. What really works in that treatment capacity is only about 1,570 MLD due to the inefficiency of the sewage treatment plants and all 11 common effluent treatment plants in Delhi. The required technology is not available, says Chief

- Story selected for UNESCO Global CASEBOOK this year STREAMS OF FILTH was a result of 39 RTI applications and it took almost a year before it was published in India Today dated 30th December 2009.

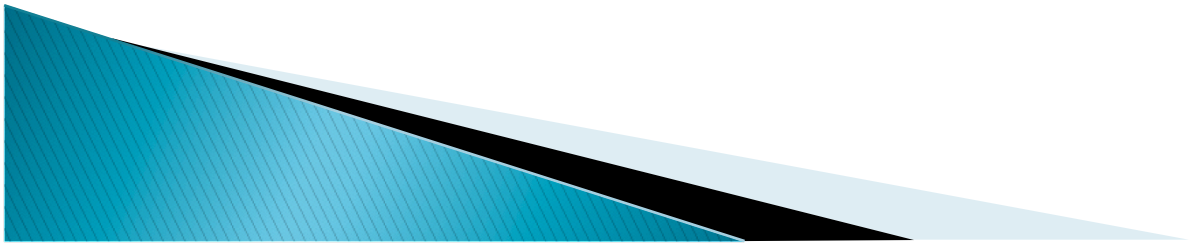


Despite spending Rs. 3892 cr. no river cleaned

Earlier there were stories on pollution in Ganga and Yamuna considering their mythological importance but we did cover every 38 river covered under National River Conservation Plan (NRCP).

Foreign travel made by ministers

- From Prime Minister's Office, Cabinet Secretariat and other 50 ministries we got the foreign travel details one-by-one.
- Put the data on excel sheet and the total distance calculated with the help of other references like some websites.
- Crux of the story was very amazing for my editors as well.





Frequent Fliers

THE PERKS OF FOREIGN TRAVEL HAVE NEVER BEEN SO WIDELY UTILISED. THE MINISTERS OF THE UPA TRAVELLED AT WILL TO LOG ENOUGH MILES TO CIRCLE THE EARTH 256 TIMES.

■ By Shyamlal Yadav

This is one high-flying government. In this globalised world, it is now in the nature of official business to travel to different parts of the earth, making new friends, lesser enemies and influencing people. As a rising economic power, it is perhaps more necessary than ever before to make your presence felt at global high tables and international conference podiums. But even by that yardstick, the UPA Government would seem to be in an overdrive or rather turbo-charged, its ministerial representatives raking up frequent-flier miles at a frenetic pace, this, despite the Prime Minister's Office (PMO) supposedly cracking down on bureaucrats and ministers travelling abroad at the drop of a Gandhi topi. Whether it's a case of Democracy on the Move or the New World Order, the perks of foreign travel have never been so widely utilised.

Consider this. In the 1,287 days of the UPA Government till November 30 last year, its ministers travelled an incredible 1 crore km (10 million km)-plus on trips abroad, official and personal, but mostly official. It means that the ministers made more than 256 trips around the globe, considering the earth's circumference of 40,008 km. Among the 71 ministers (excluding the prime minister) who went on foreign trips during their tenure, 47 ministers spent over Rs 27 crore. The bill would be much higher, taking into account the fact that the other ministers did not provide details of their expenditure. This, of course, does not include the expenses incurred by Indian embassies abroad which run up substantial bills hiring limousines and providing other services to visiting ministers.

Ministers' Foreign Travel Abroad »

Union Ministers had made foreign trips equal to 256 round of the globe in three and half years. It took six months and 59 RTI application to complete the story. Ultimately Prime Minister wrote to every minister to curtail the foreign travel expenditure

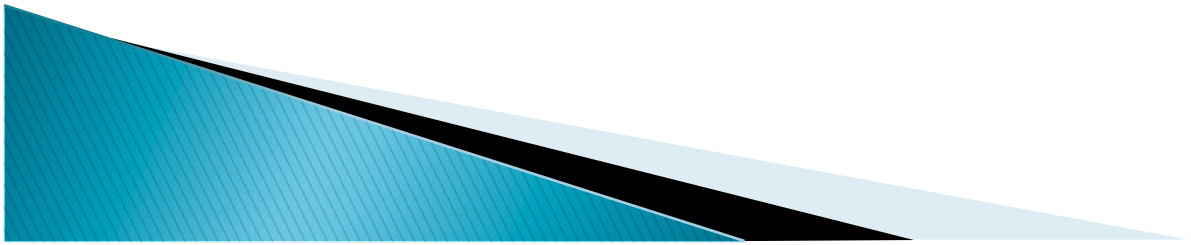
Impact: Prime Minister wrote to ministers

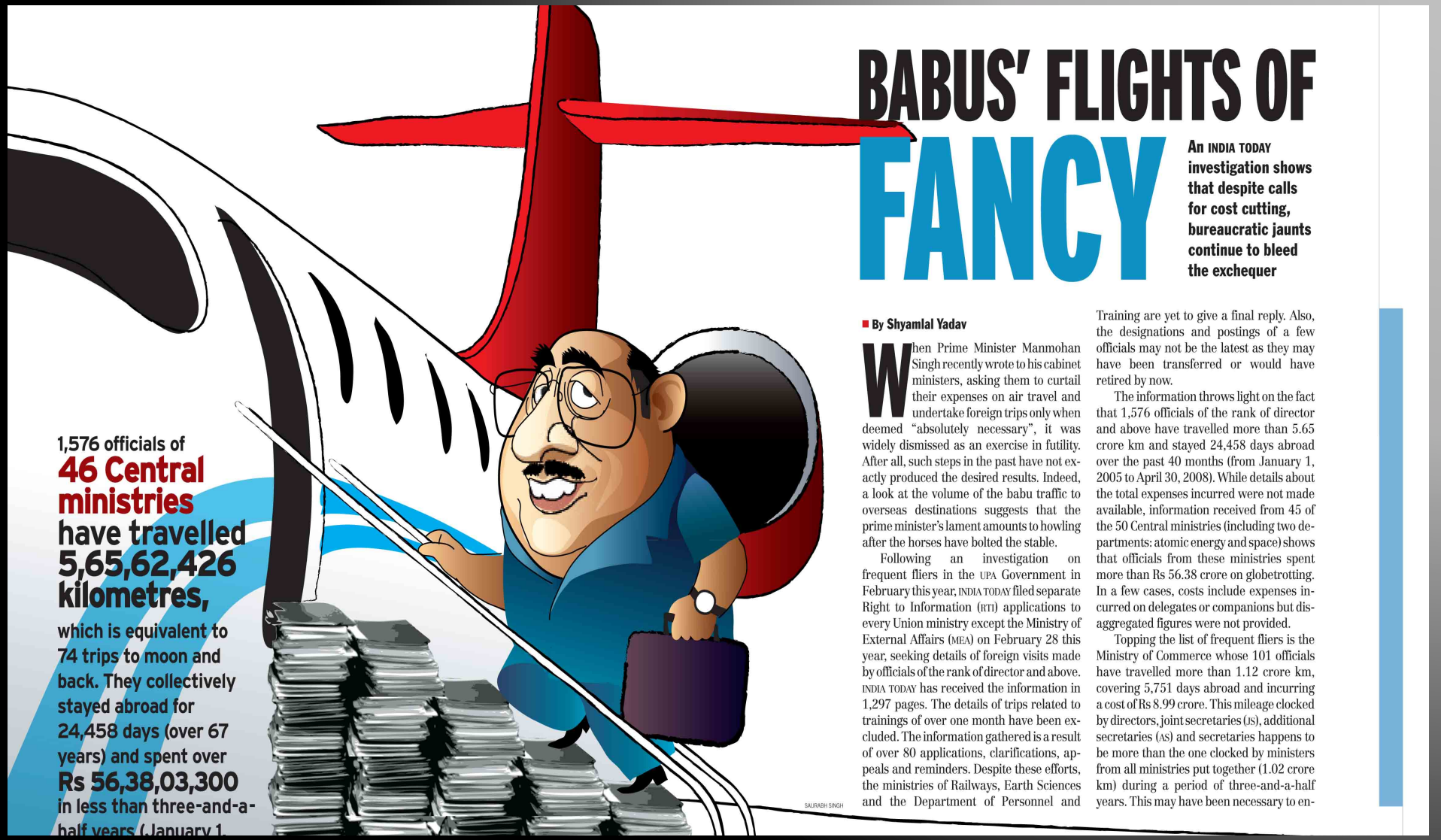


- "I am, therefore, writing to ask you to severely curtail expenditure on air travel, particularly foreign travel, except in cases where it is deemed to be absolutely necessary. This economy may be made applicable immediately for your own self and also for all senior functionaries in your ministry."

Foreign travel by Bureaucrats

- “1,576 officials have travelled 5.65 Crore kilometers, which is equivalent to 74 trips to moon and back. They collectively stayed abroad for 24,458 days (over 67 years) in less than three-and-a half years.”
- I started to work on the story after some politicians complained me that I am only after politicians but real beneficiaries are bureaucrats. Data was equally amazing.





BABUS' FLIGHTS OF FANCY

An INDIA TODAY investigation shows that despite calls for cost cutting, bureaucratic jaunts continue to bleed the exchequer

By Shyamlal Yadav

When Prime Minister Manmohan Singh recently wrote to his cabinet ministers, asking them to curtail their expenses on air travel and undertake foreign trips only when deemed "absolutely necessary", it was widely dismissed as an exercise in futility. After all, such steps in the past have not exactly produced the desired results. Indeed, a look at the volume of the babu traffic to overseas destinations suggests that the prime minister's lament amounts to howling after the horses have bolted the stable.

Following an investigation on frequent fliers in the UPA Government in February this year, INDIA TODAY filed separate Right to Information (RTI) applications to every Union ministry except the Ministry of External Affairs (MEA) on February 28 this year, seeking details of foreign visits made by officials of the rank of director and above. INDIA TODAY has received the information in 1,297 pages. The details of trips related to trainings of over one month have been excluded. The information gathered is a result of over 80 applications, clarifications, appeals and reminders. Despite these efforts, the ministries of Railways, Earth Sciences and the Department of Personnel and Training are yet to give a final reply. Also, the designations and postings of a few officials may not be the latest as they may have been transferred or would have retired by now.

The information throws light on the fact that 1,576 officials of the rank of director and above have travelled more than 5.65 crore km and stayed 24,458 days abroad over the past 40 months (from January 1, 2005 to April 30, 2008). While details about the total expenses incurred were not made available, information received from 45 of the 50 Central ministries (including two departments: atomic energy and space) shows that officials from these ministries spent more than Rs 56.38 crore on globetrotting. In a few cases, costs include expenses incurred on delegates or companions but disaggregated figures were not provided.

Topping the list of frequent fliers is the Ministry of Commerce whose 101 officials have travelled more than 1.12 crore km, covering 5,751 days abroad and incurring a cost of Rs 8.99 crore. This mileage clocked by directors, joint secretaries (JS), additional secretaries (AS) and secretaries happens to be more than the one clocked by ministers from all ministries put together (1.02 crore km) during a period of three-and-a-half years. This may have been necessary to en-

Story on foreign travel made by bureaucrats

It forced India's Finance ministry to issue two circulars to impose many restrictions on foreign travel expenses.

Impact:

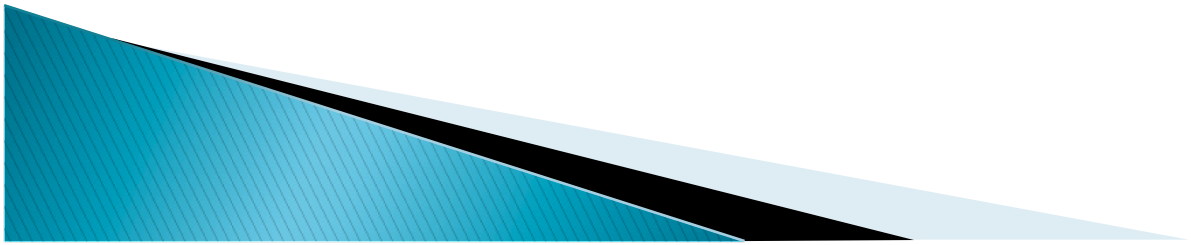
- Finance Ministry's circular dated 1st Oct 2008 said-

"All mileage points earned by Government employees on tickets purchased for official travel shall be utilized by the concerned Department. It is responsibility of the officer concerned to ensure that free mileage points are used only for official travel and not for personal trips."

These two stories after all were behind the governments efforts to curtail foreign travel expenses as austerity measures in last three years.

Code of Conduct for Ministers

- In 1964 there was a resolution that every minister shall declare their assets and liabilities to the Prime Minister's Office.





nation RTI

By Shyamlal Yadav

In the third week of May at a function to release the 'Report to the People 2008' on the UPA Government's completion of the fourth year in office, Prime Minister Manmohan Singh waxed eloquent about the achievements of his regime while laying special emphasis on its record in open government. "The UPA Government has set a new standard for accountability and transparency in governance," he announced. The prime minister was only partially right since it was the UPA Government that had enacted the Right to Information (RTI) Act, which gave ordinary citizens the right to seek both information and accountability from their leaders. However, it is the actual implementation of open governance that remains a closely-guarded secret.

On November 6, 2007, INDIA TODAY invoked the RTI, seeking information from the Prime Minister's Office (PMO) whether Union ministers had filed details of their assets and liabilities. This followed reports that the prime minister was miffed after his ministers repeatedly ignored reminders from the Cabinet Secretariat to file these details. The ministers who showed utter disdain for the cabinet secretary's reminders were from the Congress as well as from its alliance partners.

The practice of asking all Union ministers to file details of assets and tax returns with the PMO every year was initiated by Atal Bihari Vajpayee after he took over as prime minister in 1999. Though the move met with initial

OPEN SECRET

Despite the prime minister's claim of transparency, efforts to get information under the RTI Act are often stonewalled

liabilities and tax returns made it amply evident that most of the UPA ministers

ABOVE SCRUTINY: Manmohan Singh (right) with senior colleagues

The two offices are situated just a stone's throw from each other. But for

BUCK-PASSING

CABINET SECRETARIAT
RASHTRAPATI BHAVAN
New Delhi-110004

Right to Information

PRIME MINISTER'S OFFICE

"You are advised to contact the CPIO, Cabinet Secretariat for further information in the matter."
Response from PMO dated Nov 19, 2007

"The information asked for pertains to the PMO and the Cabinet Secretariat is not directly connected with the subject matter."
Response from Cab Sec dated Nov 26, 2007

"The matter is under consideration and information will be sent to you in due course."
Response from Cab Sec on Dec 24, 2007

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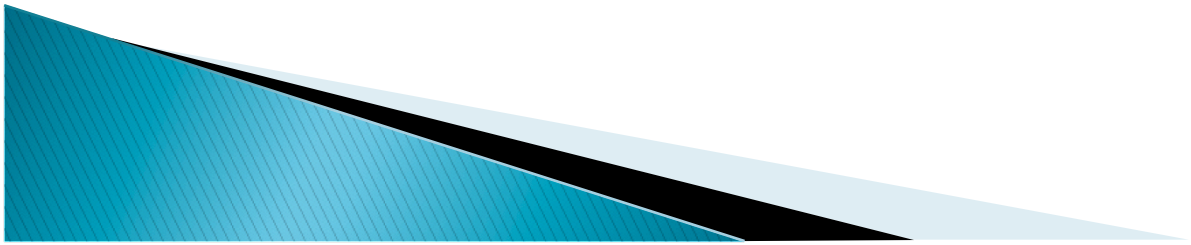
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ministers is just

PMO and Cabinet Secretariat were unaware »

We made story that how two high offices of the country were unaware of this code of conduct even after 44 years of resolution

Impact

- Story on their apathy was published in June 2008, and when the new (present one) government formed in June 2009, every minister declared their assets and liabilities on time.
- If there have not been RTI, probably, this story would have not been possible to our readers. And this would probably have not been implemented.



Assets of bureaucrats

- Filed numerous RTI to concerned department to know the details of assets and liabilities filed by senior bureaucrats. They were processing my application on the one hand and on the other hand they initiated new measures to put these details in public domain.
- Some officers said that their personal information could not be disclosed but we said since they are Public Servants, people have right to know what they own. We got some information and published.

NOTHING TO DECLARE

Officers are hiding behind a lacuna in rules to prevent full disclosure of assets

By Shyamlal Yadav



SIPRADAS/www.indiatodayimages.com

The All India Service (Conduct) Rules framed in the 1960s are explicitly in favour of transparency for officers of the IAS, IPS and Indian Forest Services. According to the rules, every officer must "on their first appointment to the service, submit a return of his assets and liabilities giving full particulars regarding: the immovable property owned by him, or inherited or acquired by him or held by him on lease, either

Initiative started along with my application »

After our story, after all the government decided to put all these details on websites of their respective departments and now it is open to public scrutiny.

Political Funding



- Accessed Income Tax returns filed by 25 prominent political parties and noticed many grey areas of their income, valuation of assets and expenditure.
- Story was published in November 2008 and many follow up stories appeared in other media.

Funds and GAMES

Political funding has always been a murky, unexplored area. It still is, as political parties file income tax returns with disclosures that are far from transparent. INDIA TODAY investigates.



MONEY IN HER PARTY COMES FROM SMALL CONTRIBUTIONS; AKALI DAL'S PARKASH SINGH BADAL (RIGHT) WITH SON SUKHBIR



By Shyamlal Yadav

Money, it is easily said, makes the world go around; and politics, around and around. What's not so easy is nailing the numbers. Cut to 2003: then law minister Arun Jaitley, while moving amendments to the Representation of the People Act (RPA) in Parliament, said the proposed changes were aimed at bringing accountability into the political system. The amendments were later ratified by the Parliament and changes were also made in the Companies Act and Income Tax Act, all aimed at ensuring greater transparency and reducing the role of unaccounted money in funding of political parties.

Five years down the line, it appears that the changes then made in the RPA have had little impact on the funding of most political parties. INDIA TODAY invoked the Right to Information (RTI) Act to get details of funds collected by political parties. Of the 24 parties that have filed returns with the IT Department, 20 are for 2006-07 and 4 are for 2005-06). Surprisingly, the source of funding has been disclosed only for Rs 15 crore. Similarly, nine regional parties—Telugu Desam, Lok Janshakti Party, Dravida Munnettra Kazhagam (DMK), Biju Janata Dal, Shiv Sena, Rashtriya Lok Dal (RLD), Janata Dal-United (JD-U), Shiromani Akali Dal and Samajwadi Party—collected over Rs 94 crore from voluntary contributions, election funds and

THE BSP'S INCOME DURING 2006-07 WAS Rs 45.05 CRORE AS AGAINST 2.55 CRORE A YEAR EARLIER

THE RULING PARTY IN PUNJAB SHOWED AN INCOME OF JUST Rs 5.19 LAKH DURING 2005-06

come tax provisions seriously. A number of parties file returns much past the deadline, do not file them in the required format, and do not bother to attach the prescribed documents. The IT Department, in turn, shows no keenness to scrutinise the files and impose penalties as per the rules. A senior official at the IT Department says they keep the tax returns of political parties as they are filed; sometimes they scrutinise them and send notices out. But because they can only address the in-

In next budget government acts »

Donation to political parties declared exempted from Income Tax to encourage openness in political funding.

Corruption among Bureaucrats



- Filed RTI application to Central Bureau of Investigation (CBI) to know the status of Anti Corruption cases registered against officers of Indian Administrative Service, Indian Police Service and Indian Revenue Service.
- Had to file over 80 RTI applications to CBI, Central Vigilance Commission and other government departments to gather and cross check the information. It took one year in total.

A LOT TO HIDE

INDIA TODAY takes the RTI route to find out the status of long pending cases against civil servants only to discover that the cosy relationship that bureaucrats share makes the wheels of justice grind real sl

By Shyamlal Yadav

India normally figures closer to the bottom in most rankings prepared by United Nations (UN) agencies. The UN Human Development Index, for instance, places India at 128th place, sandwiched between Equatorial Guinea and the Solomon nds, while the UN World Population spects report on infant mortality puts India a lowly 142, higher than Gabon but lower n Ghana. But there is one list, if ever com- ed, in which India could perhaps aim for a ce in the Top Ten, if not Top Five. The coun- is home to some of the most corrupt gov- ment officials anywhere in the world.

Since April 1, 1992, exactly 16 years back, Central Bureau of Investigation (CBI) has gistered corruption cases against at least 3 officers from what is commonly known as lia's steel frame—the Indian Administrative rvice (IAS), Indian Police Service (IPS) and dian Revenue Service (IRS) (including cus-

PRAHLAD KUMAR AJWANI

C&CES

Was arrested on September 25, 2004 on charges of amassing disproportionate wealth. He was released on bail on November 24, 2004.

Rs 2.71 crore

cash was recovered from his and his relatives' premises in July 2004.

Status-



Around 275 officers booked in 15 years »

But very few got any punishment. Others were enjoying their service benefits and working as usual or retired by the time without any punishment.

Impact:

I can not claim it was impact of this story alone but thanks to many such efforts in last few years corruption among the government machinery has become an issue of heated debate in my country these days



Life's Insurance

- We got information through RTI from public sector Life Insurance Corporation (LIC) that there were 59 million insurance policies those were lapsed permanently due to discontinuance of premium. And the premium deposited since then had become LIC property.
- Despite many efforts LIC did not provide the info on total money deposited against those policies till the date they lapsed.
- We ran a single column story on our web edition on 24th December 2008.

INDIA TODAY in

5.91 crore LIC policies discontinued in 7 years

Shyamlal Yadav
New Delhi, December 24, 2008

Life Insurance Corporation has given an interesting data to *India Today*: 5,91,96,235 policies have been discontinued during the last seven years (between 2000-01 and 2006-07).

These are the policies whose holders were not able to pay the requisite premiums. However, the LIC did not provide the details of the premium paid against these policies till the date of their discontinuance.

India Today had filed an RTI application last year to LIC to disclose the number of lapsed policies and the amount earned by LIC against those policies. In response, the Public Information Officer of LIC, Thankom T. Mathew, gave the number of policies but they denied mentioning the amount saying that "it would disproportionately divert the resources of the public authority".

LIC further said that it does not maintain the information in the format it was requested in. After that, *India Today* filed an appeal but the appellate also justified the decision of Mathew and when the appeal was filed in the Central Information Commissioner, it was rejected there as well on December 4.

In fact, such a large number of discontinued LIC policies show that the insurance company launches campaigns time-to-time to raise the number of policies and attract newer cases giving many lucrative offers to its agents. But number of discontinued policies is so high and the amount already paid against those policies seems also very high.

However, the LIC refused to give correct figures of this amount and when the CIC was approached, the Central Information Commissioner AN Tewari, while delivering judgment on the appeal, said that the LIC has "persuasively argued how the information requested by appellant was not maintained in the form it was asked for." Question is: when the LIC, being the largest public sector insurance company, is playing with policy holder's money, one can imagine about the new players of insurance sector.

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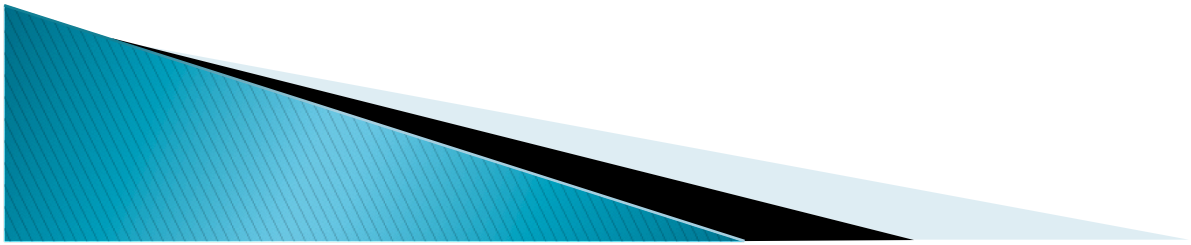
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Story made quick effect »

On 19th January 2009 i.e. after less than 25 days of this story LIC issues an advertisement in newspapers that it is going to launch the revival scheme for those policies which was for the first time in the history of LIC

Ministers' Personal Foreign trips

- Got latest data on personal foreign trips made by union ministers and analysed.
- Surprised to know that over 20 percent personal foreign trips were made for Dubai.



MINISTERS' FOREIGN TRIPS

HI, DUBAI

One-fifth of the personal trips abroad by UPA-II ministers within 20 months are to the UAE

By Shyamlal Yadav

A friendly tax regime, low property rates and lucrative investment opportunities may have attracted investors across the world—India included—to the United Arab Emirates (UAE, read Dubai), but they are not the only frequent fliers to the country. For many UPA-II ministers who travel abroad in their personal capacity, the over 40 degrees Celsius temperature in Dubai is little deterrent. One out of five personal trips made by Union ministers is to the UAE.

Data gathered by INDIA TODAY through the Right to Information (RTI) Act from the Ministry of External

Patel (earlier civil aviation minister) tops the list with six of his 17 personal foreign trips to Dubai. Of Ahamed's dozen trips abroad in his personal capacity, four have been to Dubai. All the trips were undertaken as MOS Railways. Abdullah has made only two personal foreign trips, both to the UAE. Nath made four personal trips abroad and two of them were to Dubai. Both of Moily's personal visits abroad in this regime have been to the UAE. While Jagathrakshakan has visited Malaysia and Singapore many times in his 10 jaunts abroad, he has been to the UAE thrice. Jaiswal's lone personal foreign trip has been to Dubai. Ditto for Khandola and Muniyappa.



VERY PERSONAL

PRAFUL PATEL
MINISTER OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES
MADE SIX OUT OF 17 PERSONAL TRIPS TO DUBAI.
He also visited THE US, MAURITIUS, UK, BEIRUT, BANGKOK, SOUTH AFRICA, SWITZERLAND, SPAIN AND THAILAND, AND SPENT 74 DAYS ABROAD IN TOTAL.

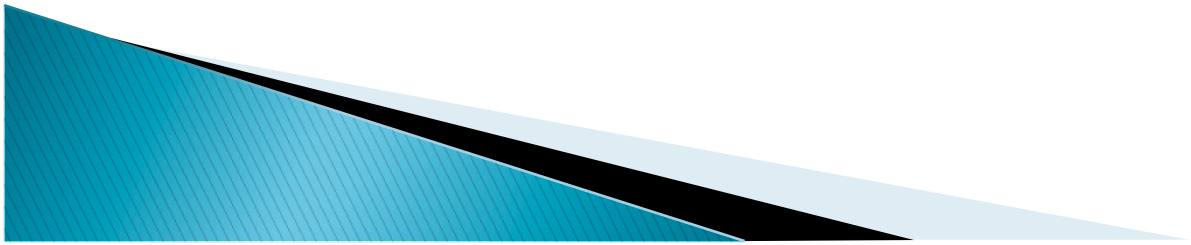
E. AHAMED
MOS EXTERNAL AFFAIRS
MADE A DOZEN PERSONAL TRIPS ABROAD

One fifth of personal trips were for Dubai »

Data were accessed from PMO, Ministry of External Affairs and concerned ministries

Planning for whom

- Deputy Chairman of Planning Commission Mr. Montek Singh Ahluwalia's foreign travel details were amazing.
- Work of Planning Commission was delayed by around four months but he was busy in globetrotting.
- In seven years tenure every ninth day he was abroad. Out of 43 trips 22 were for United States.





Half of his trips were to United States

According to my sources he pulled his officers for providing his travel information to us under RTI Act. But after all it is RTI Act, therefore he can not hide such information

Some recent stories: two oldest pending cases before supreme court

Supreme Court's oldest, 36 and 25, keep two sects waiting

SHYAMLAL YADAV
NEW DELHI, APRIL 22

OF THE 60,000 cases pending in the Supreme Court, the oldest one was filed nearly 36 years ago and is a standing example of justice delayed being justice denied. The original petitioner of the 1976 case is now dead and so is his son, while his grandson is said not to be interested in following it up as he is not actively involved with the Arya Samaj, subject of the case.

The next date of hearing has not been fixed. Nor has one been set for the second oldest pending case, filed in 1986, which is waiting for a decision on the size of a constitution bench that would take it up.

The Indian Express used the RTI Act to ask about probable dates for the listing of the two cases — Arya Samaj Education Trust versus Delhi's Directorate of Education, 1976, and the Central Board of Dawoodi Bohra Community versus the State of Maharashtra, 1986. The CPIO of the Supreme Court responded that both being constitution bench matters, "it is beyond the jurisdiction and scope of the duties of CPIO to comment regarding the next date of hearing."

The roots of the Arya Samaj case go back to 1973 when the Delhi School Education Act was enacted, under which educational institutions run by the Samaj, too, would have to follow government rules for admission and recruitment. The Arya Samaj approached the Delhi High Court for certain liberties, such as those enjoyed by minority institutions. The High Court delivered a split verdict on November 17, 1975, with one judge observing that "Arya Samaj is a reformed sect of Hinduism... and it is a part of Hinduism and not a separate religion in the UT of Delhi."

Against the order, J P Gupta of the Arya Samaj moved the Supreme Court with civil appeal No. 687 in June 1976. The petitioner died in 1997, his son Dharm Chand Gupta died last year, and his grandson Pradeep Gupta, sources said, has not been following up the case. As per the Supreme Court website, it was last listed on April 19, 2005.

It was the same month the second oldest case was last listed. It relates to the Bombay Prevention of Excommunication Act, 1949, enacted on November 1, 1949. The Act was aimed at preventing members of the Dawoodi Bohra community from being excommunicated by the community's Dai-ul-Mutlaq.

The constitutionality of the Act was challenged in the Bombay High Court by Sardar Sydena Tahar Saifuddin Saheb. On February 21, 1952, the High Court decided that the "Act is inconsistent with Article 26 of the Constitution of India".

In 1962, following an appeal, a five-judge bench of the Supreme Court, too, struck down the Act in a majority judgment. As such, the Dai-ul-Mutlaq has the powers to excommunicate Dawoodi Bohras. Sydena Mohammed Burhanuddin is the present occupant of that post.

"The Dawoodi Bohras are a small, well-knit community in which *baraat* (excommunication or boycott) can be disastrous. It has ruined the lives of many people, and many families have disintegrated," says community member Asghar Ali Engineer, now 73, who filed the case that is now pending.

Filed under the advice of late judge V M Tarkunde, his 1986 petition prayed that the Supreme Court "reconsider" the 1962 decision. On April 12, 2005, the day it was last listed, the question whether it should be heard by a bench of five or seven judges remained unresolved.

AGE 35+

CASE: Arya Samaj Education Trust versus Delhi Directorate of Education

DISPUTE STARTED: 1973

FILED BEFORE SC: June 9, 1976

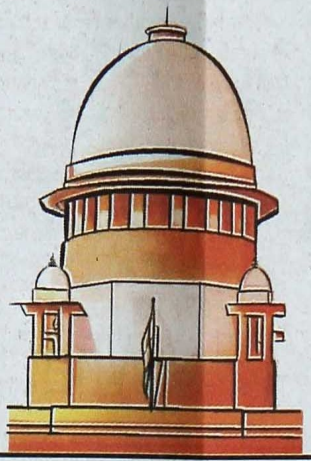
PRESENT STATUS

PENDING, next date not fixed

LAST LISTED ON: April 19, 2005

ISSUE: Whether Arya Samaj Educational institutes should be treated as institutions run by minority community

PETITIONER: JYOTI PRASAD GUPTA, DIED 1997



AGE 26

CASE: Central Board of Dawoodi Bohra Community versus State of Maharasthra

DISPUTE STARTED: 1949

FILED BEFORE SC: 1986

PRESENT STATUS

PENDING, next date not fixed

LAST LISTED ON: April 12, 2005

ISSUE: Whether head of the Dawoodi Bohra vommunity has right to excommunicate members

PETITIONER: ASGHAR ALI ENGINEER, NOW 73

Indian Express 23/04/2012 New Delhi

Premiums discontinued, policies lapsed

In addition, there are 1,80,031 policies lying unclaimed even after crossing maturity period; money could run into hundreds of crore

LIC forfeits money lying in 4.42 crore lapsed policies

SHYAMLAL YADAV
NEW DELHI, FEBRUARY 22

LIFE Insurance Corporation of India has forfeited the amount—running into several hundred crore—paid against over 4.42 crore policies during the last seven years.

On top of this, there are 1,80,031 policies which are lying unclaimed with the LIC even after their maturity period is over, LIC said in response to an application filed by *The Indian Express* under the Right To Information Act.

However, LIC refused to disclose the amount which was already deposited against these policies by the policy holders. Normally, if the premium against any policy is discontinued continuously for five years, it is lapsed and can not be revived.

While during the current year 2011-12, only 7,57,215 polices were lapsed permanently in this category, this number was over 59.96 lakh in the previous year.

This figure for the current year may be higher because the LIC says that the information "is not readily available with us and the same can not be extracted without scrutinising more than 40 crore policies in our records and without writing new programs to create information in the format in which it is sought. However we are providing the data of policies which are in a lapsed condition for more than 5 years as on 15th November 2011."



On the amount paid against these lapsed policies, LIC Executive Director Saroj S Dikhale said, "The total amount deposited under a policy till the date of lapse, is not available as the same is never extracted for any of our routine purposes. The same can not be calculated without going through the premium payment transactions under these policies. The number of premium payments made would be more than 35 crores every year."

INSURED AND FORGOTTEN

NUMBER OF POLICIES LAPSED PERMANENTLY IN 7 YEARS



YEAR	NUMBER
2005-06	68,30,895
2006-07	72,23,104
2007-08	81,05,236
2008-09	87,57,636
2009-10	65,86,119
2010-11	58,96,638
2011-12	7,57,215
TOTAL	4,42,59,843

This denial is shielded by section 7(9) of the RTI Act, which says that a public authority may deny any information whose extraction would disproportionately divert its resources.

When asked for details of the policies which are lying unclaimed even after they got matured, she said, "Total number of policies which are matured and still outstanding for payment in our books as on September 30, 2011 are 1,80,031. This is figure is not static and it goes on changing from month after month. Maturity claim settlement is continuous process."

Though the LIC launches the revival campaigns every year to revive lapsed policies, there is hardly any revival scheme for the policies which are lapsed for more than five years. In an earlier reply to this correspondent, LIC had said that "policy holder can revive his policy within five years from the date of first unpaid premium".

Ironically, it has provided the information for the "lapsed policies where the lapse period is within 5 years from the date of first unpaid premium". LIC said there was a special revival scheme for these policies during January 19, 2009 to February 28, 2009 and there were only 14,221 policies of this category which were revived.

250-300 telephone interception orders a day

9,000 orders for phone interception a month: Govt

SHYAMLAL YADAV
NEW DELHI, JANUARY 22

ON an average, the Union Home Ministry orders 250-300 telephone interceptions every day.

In response to an RTI application by *The Indian Express*, the Home Ministry has stated: "On an average, between 7,500 and 9,000 orders for interception of telephones are issued by the Central government per month." According to the Indian Telegraph Rules, the Union Home Secretary is the authority to grant approval for interception of telephones.



Under Section 5(2) of the Indian Telegraph Act, telephonic conversations can be intercepted/monitored inter alia on grounds of sovereignty and integrity of India, security of the State, relations with foreign states or public order or for preventing incitement to commission of an offence.

Once cleared, the interceptions can be continued for two months and may be renewed twice. In any case, the interception cannot be in force more than 180 days.

The Home Ministry, in its response to the RTI application, did not divulge details saying records pertaining to these interceptions are destroyed after six months, unless these are, or likely to be, required for functional requirements. The agencies which get clearance for interception of telephones include law enforcement agencies functioning under the Central government.

Telephone interceptions are cleared as per Rule 419-A of the Indian Telegraph Rules. But these are not the only phones which are being intercepted. In fact, state governments have similar powers to intercept phones. In their case, requests for interception are cleared by the Secretary of Home Department.

The Centre and state governments are supposed to put these interceptions before a review committee headed by the Cabinet Secretary in case of the Centre, and by the Chief Secretary in case of the state.



MEA said no to 39 trips by 25 ministers

FOREIGN VISITS ■ Ministers, former PMs spent Rs 499.89 cr in 2011-12 against budgeted Rs 46.95 cr

SHYAMLAL YADAV
NEW DELHI, APRIL 29

EVEN as 2011-12 saw Union ministers going on an unprecedented number of foreign trips, the MEA has refused clearance on several grounds for at least 39 proposed trips by 25 Union ministers since June 2009. Some of them are no longer ministers.

All these trips, barring one, fell in the official category.

The ministers had proposed to travel to destinations such as the US, UK, France, Italy, Japan, Australia and South Africa, and the total number of days they would have been abroad were 125, barring travel time. *The Indian Express* obtained this information under the Right to Information Act (RTI).

Among those denied clearance were Agriculture Minister Sharad Pawar, Commerce Minister Anand Sharma, Coal Minister Sriprakash Jaiswal, Corporate Affairs Minister Veerappa Moily, Power Minister Sushilkumar Shinde and Food Minister K V Thomas (who has so far received four refusals under UPA-II, the maximum).

Pawar, who wanted to travel to France for two days in February 2010, said his ministry had simply asked for the MEA's advice and the ministry had counselled against a trip. "I generally avoid travelling abroad. I travel only when it seems must to travel," Pawar told *The Indian Express*.

In its reply to the RTI application, the MEA said the 39 trips that were denied included those in which "political clearance" didn't come through, in which proposals for trips were rejected and in which foreign trip was not recommended.

The Prime Minister's Office gives approvals for Union ministers' official and personal foreign trips. They are supposed to follow "austerity" measures adopted by the Department of Expenditure, an aspect looked after by the financial advisor in the concerned ministry.

However, before the proposal goes to the PMO, "political clearance" is needed from the MEA. Sometimes, the MEA's advice is sought before the proposal is given for political clearance. In many cases,

CONTINUED ON PAGE 2

MINISTERS WHO WERE DENIED CLEARANCE

K V THOMAS
GERMANY
(Feb 17-20, 2010)
MOROCCO
(Nov 10-13, 2010)
CHINA
(May 21-24, 2011)
NEW JERSEY
(Oct 29-30, 2011)

SRIPRAKASH JAISWAL
AUSTRALIA
(June 7-11, 2010)
JAPAN
(Sept 5-7, 2011)
UK
(March 22-23, 2012)

M VEERAPPA MOILY
QATAR
(May 24-25, 2011)
JAPAN
(Sept 5-7, 2011)
SRI LANKA
(Sept 4-6, 2011)

MALLIKARJUN KHARGE
CANADA
(Sept 1-4, 2009)
UK
(Oct 5-8, 2011)

SUSHIL KUMAR SHINDE
CHINA
(Sept 20-23, 2011)
UK
(Oct 20-22, 2011)

FAROOQ ABDULLAH
IRAN
(July 10, 2010)
JAPAN
(Oct 11, 2010)

SAUGATA ROY
CHINA
(June 5-7, 2011)
PEARL
(Sept 26-28, 2011)

SACHIN PILOT
BHUTAN
(March 12-13, 2010)
MDR
(Sept 30-Oct 2, 2010)

Some recent stories

Union government denying foreign trip proposals of ministers

Stories in the making

- Using this act I am now working on numerous story ideas which will get space in coming days in The Indian Express.
- By the time government officials are learning how to confuse the applicant and deny the information, but I never felt defeated. Even many ideas come to me from good and honest officers.
- Use RTI Act to know that what your rulers are doing really in the name of governance. Make it a tool of investigative reporting. Once you have the idea, you can get the information.
- On these stories despite involving hundreds of high profile people I have received negligible rejoinders, clarifications, denial or corrections from the affected people since we have certified information.



Recognitions



- Lorenzo Natalie Prize-2010 from European Commission (First prize), Brussels.
- Developing Asia Journalism Award-2010 from Asian Development Bank. (first prize), Tokyo.
- Best Investigative Reporter Award (2010) by The Indian Express, India.
- Best user of RTI Act by prominent Indian TV Channel NDTV, 2009.
- UNESCO has selected STREAMS OF FILTH for its global casebook on investigative reporting.
- Statesman Rural Reporting Award (first prize), 2007 by Statesman newspaper, Kolkata.

Thank you

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