



By Maulik Jain

Case Studies: Empowering Citizens Using RTI



**RIGHT TO
INFORMATION**



About the Right To Information (RTI) Act:

Today, each and every citizen in India has the right to know. With an immense population and growing awareness among individuals, the desire to know is fiercer than it has been ever before. In such an atmosphere, it is imperative that citizens are well informed of the tools at their disposal.

India is a democratic republic. She requires her citizens to be informed through the provision of information in a transparent and accountable manner. This system was revolutionised with the introduction of RTI, an abbreviation for the Right to Information (RTI) Act. Introduced in 2005 by the Parliament of India, The Right To Information Act is a component of the fundamental rights granted by the Constitution of India under Article 19 (1) and repeals the Freedom of Information Act of 2002. Its potential in unveiling long-held secrets, uncovering cases of tremendous injustice and detecting sources of corruption is enormous. The Adarsh Society Scam, IIM's Admission Criteria and the Public Distribution Scam in Assam have all been revealed through the use of this tool.

The main function of the RTI is to harmonise the conflict between confidential, sensitive information and the democratic ideal of providing information to a nation's citizens. It extends across the breadth of the country excluding the state of Jammu and Kashmir. Information can be requested from the State or Central Public Commissioners in several forms such as records, documents, memos, emails, opinion, contracts, reports, logbooks, data models, electronic data and so on. Accessing information quickly is a catalyst for the progress of the Indian nation. It is important to emphasise that RTI is a medium for every individual, rather than simply catering to the needs of the disadvantaged sections of our society.

In order to delve deeper into the use of this tool, I have worked on civic issues under renowned activists Sulaiman Bhimani and Krishnaraj Rao, documenting the cases explored below. I have filed RTI Applications through the First Application Form and First Appeal. I hope you find this report useful in highlighting civic problems and the potential of this incredible tool in empowering Indian citizens.



Case Studies:

After working under Mr. Sulaiman Bhimani, Human Rights and RTI Activist, I was exposed to several discrepancies. I have documented two interesting case studies below:

1. Transit Accommodations at RNA Colony, Oshiwara, Mumbai, India

Documenting this case was an insight into the discrepancies in business deals. The case dealt with the agreement between Grace Property India Private Limited, Mumbai Metropolitan Region Development Authority and the society, Sarvadharmiya Sahkari Grahnirman Sanstha (Proposed) on the Transit Accommodations provided by MMRDA in R – 14 & R – 15 buildings at RNA Colony, Oshiwara.

Using the Right To Information (RTI) First Application, Mr. Sulaiman Bhimani and I discovered that there had been criminal misrepresentation, dishonest concealment and the suppression of facts in the deal. A few highlights are mentioned here:

- 1) Firstly, Grace Property India Pvt. Ltd and committee members of Sarvadharmiya Sahkari Grahnirman Sanstha did not have the consent of the majority of slum-dwellers, as is required for the SRA scheme as per the DC Rules.
- 2) Sarvadharmiya Sahkari Grahnirman Sanstha had not yet been registered and was still proposed after seven years. The address had been given as: R – 15 Building at Somanigram although the true address was at Gilbert Hill. Hence, at the time of the agreement with MMRDA, the society had not been in existence. Thus, this was a clear case of fraud, manipulation and misrepresentation.
- 3) The committee members who held post as office bearers did not qualify for the post, as most of them had more than four children. This was against the law as the rule clearly stated that any office bearer having more than two children could not hold office or be an office bearer. This was another basic fraud committed as evidenced by “The 73rd constitutional amendment Law of Two-Child Norm.”
- 4) As per the agreement, they were given 300 tenements for transit camp to temporarily rehabilitate the eligible person whose name appeared on annexure II. However, hardly 100 person eligible as per annexure II were temporarily rehabilitated at the transit camp in the R-14 and R-15 building. The remaining 200 rooms were given on rent illegally as verified verify with annexure II and the people occupying the tenements.
- 5) Lastly, the illegally occupied 222 tenements alongwith 200 of the 300 tenements as per the agreement were also given on rent to earn 6000 INR monthly. Grace Property India Pvt. Ltd, however, occurred an income of 2532000 INR monthly. However, bone of the income from this transaction was received by the MMRDA.



The information was startling. In order to use this information, I filed a letter on behalf of the parties in the transaction. An undertaking was taken by the responsible parties, which had several discrepancies as well. They were:

- 1) According to the undertaking by Saleh N. Mithiborwala, Shri Sayed Nizamuddin Khatib and Shri Sarfaraz Razzak Shaikh given on 26/03/2012, it had been mentioned on page 2, part a) “We have allotted 329 tenements where are in the Annexure II.” However, in the undertaking by Shri Rafiq M. Qureshi, Director of M/s. Grace Property Pvt. Ltd, it was mentioned that 300 tenements will be accommodated, revealing a clear discrepancy.
- 2) As per the undertaking by Saleh N. Mithiborwala, Shri Sayed Nizamuddin Khatib and Shri Sarfaraz Razzak Shaikh given on 26/03/2012, it was mentioned on page 2 part b) “We shall carry out necessary repair works such as removal of leakages, replacement of broken pipes and such other items of these buildings during this period as per MMRDA’s exit plan in general and shall maintain cleanliness in the around these buildings.” However, MMRDA alone has been responsible for all the repair and maintenance work. Grace Property Pvt. Ltd has not repaid the MHADA for these services although they have promised to do so.
- 3) As per the undertaking by Saleh N. Mithiborwala, Shri Sayed Nizamuddin Khatib and Shri Sarfaraz Razzak Shaikh given on 26/03/2012, it was mentioned on page 2 part c) “We shall bear maintenance charges, taxes and charges payable to the MCGM, electricity charges and also maintain the common facilities provided in these buildings as specified in the agreement dated February 8, 2008.” However, more than 7 years later, the MCGM has not been paid for any of these charges.

Thereafter, a letter was written to the Public Information Officer, requesting for appropriate action to be taken.

Using the RTI as a tool was extremely useful in exposing a major scam and taking the next step using the information. The task of uncovering and using the information has been a major step towards empowering citizens residing in the R – 14 & R – 15 buildings at RNA Colony, Oshiwara.

2. District Centre at Oshiwara, Mumbai, India

This case highlights the potential of RTI in causing change. The 5000 Residents of Oshiwara District Centre had several issues in the basic civic amenities provided to them. As a result, I, alongwith Mr. Sulaiman Bhimani, filed an RTI Application to the RNA Builder, whose plan had been approved by the MMRDA despite the under provision of the promised facilities to residents. The effect of the application can be seen below:

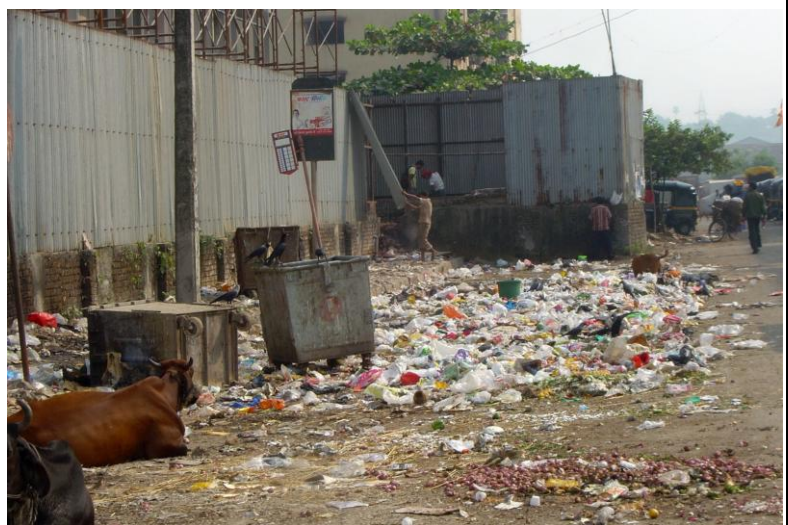
Before RTI

Prior to the application, water drainage systems and proper roads were absent, amidst an extremely unhygienic environment:

Lack of a Proper Road



Garbage and Unhygienic Environment



Poor Drainage Systems



Moreover, there were several issues in the construction work such as:

- 1) This condition clearly stated that the RNA Builder had to construct roads before commencing with the sale building work. However, this condition has not been abided by and the construction work began without construction of the roads.
- 2) Permission had only been given up to the Plinth Level, however construction had occurred for the ground level as well as five additional floors.
- 3) One of the conditions clearly stated that the compound wall should be constructed and all sides of the plot clear of the road widening line with the foundation below the level of roadside drain. However, this condition was violated as well.

Instead of giving the stop work notice for violating the conditions of commencement certificate, the RNA builder was favoured and the government took no action.

After RTI

However, once the RTI Application was filed, the MMRDA immediately introduced changes to these facilities. Street lighting was introduced, the garbage was cleared and roads were widened. These can be seen below:

Street Lighting



Clearing Garbage and Construction



I was stunned that the RTI could truly cause such a widespread alteration.

This case is an evidence of the corruption across the nation. The RTI Act, when used for the right causes, can positively impact all sections of society.



I was exposed to an interesting case by Mr. Krishnaraj Rao, which I have documented below:

3. Building Proposal Department

This was a particularly interesting case to research and document. Under the guidance of Mr. Krishnaraj Rao, I requested for an up-to-date version of the Monthly Statement of IOD – CC – Occupation – BCC through the Building Proposal Department. In order to do so, I sent RTI Applications to eight executive engineer-building offices buildings at four addresses.

These documents are especially useful in opposing illegal building construction. A full description of these documents is shown below:

- Intimation of Disapproval (IOD)
- Commencement Certificate (CC)
- Plan Layouts Submitted such as elevation plans, cross sections, floor plans of each floor, layout of sewage and other infrastructure facilities
- Occupation Certificate (OC)
- Building Completion Certificate (BCC)

The respective departments evade information frequently, however, this particular Monthly Statement summarises all the required information. It cannot be evaded with the statement that the request would “disproportionately divert the resources of the public authority.”

The plea proved successful and I received the reply within the 30 days timeframe. The information will now be used to investigate wrongdoings by real estate developers, as precise information on the file numbers have been obtained. All the approvals, No – Objection certificates, penalties and stages of each file (such as the IOD, CC and others) are explicitly mentioned.

I have now provided the information to the activists, which will be used to implement the solutions. Wrongdoings such as the commencement of construction without the CC and unauthorized use of building material should be uncovered using this information soon.



Conclusion:

This entire journey has been extremely rewarding and satisfying. I have thoroughly enjoyed researching the different cases, filing the RTI Applications and sending them to the appropriate departments in need of an adequate response. The fact that actual change has been instituted using the information is incredible!

Mr. Sulaiman Bhimani's guidance has been especially useful through the process and in the understanding of the two cases:

- "Transit Accommodations at RNA Colony, Oshiwara, Mumbai, India" and
- "District Centre at Oshiwara, Mumbai, India."



Sulaiman Bhimani and Maulik Jain

I would also like to thank Mr. Krishnaraj Rao for exposing me to the need of requesting for an up-to-date version of the Monthly Statement of IOD – CC – Occupation – BCC through the Building Proposal Department.

I look forward to using RTI as a tool for empowering citizens and triggering change in the future!



CREATING AWARENESS ABOUT REAL ESTATE ISSUES IN SOCIETY

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