“Use of RTI to Correct RTI Act”

Wow... that is the power of RTI Act to Bring Change in our Governance

(03 APRIL 2008 – 03 NOVEMBER 2012)

An RTI Success Story

For seven years, Hindi Version of RTI Act had carried over 34 Mistakes till corrected edition uploaded on government website on 03 November 2012.

Ironically, activist Commodore Lokesh Batra (Retd.) had to use power of RTI to get the Hindi Version of RTI Act, 2005 corrected.

It is not only an RTI success story but also herculean efforts of an RTI Activist to push officials of PMO, DoPT and Law Ministry to get the result.

This story has Two Parts as under:

**PHASE-1 :**
[03 April 2008 to 22 June 2009 (15 months)]

It took almost 15 months..... email-letters from Commodore Lokesh Batra to CIC & Prime Minster... number of RTIs and in between CIC hearing/Order.... to move government to find that there are 34 mistakes in Hindi Version of RTI Act, 2005.

**PHASE-2 :**
(23 June 2009 to 03 November 2012 (40 months):

It took another 40 months .... more RTIs, Appeals...frequent letters & reminders and Commodore Batra meeting officials of Law ministry and DoPT ....for government to upload corrected edition uploaded on government website.

Contd/-
This Story Started in April 2008.

After writing to CIC on 03 April 2008, Prime Minister on 10 April 2008, followed with RTI on PMO on 13 May 2008 that led to CIC Hearing on 12 March 2009, and again filing RTI on DoPT on 04 June 2009, along with good persuasions with PMO, DoPT and interaction with Ministry of Law & Justice and Media:


During this process, in CIC hearing on 12 March 2009, it was also exposed how Virus infected PMO's Email system (PTI story of March 2009).

DATE LINE:

(PHASE-1)

03 April 2008:

Email-letter sent to Chief Information Commissioner (Chief IC) intimating about serious mistake.

10 April 2008:

Email-Letter sent to PM. Batra had Proposed:

Quote

“This is a serious mistake and needs immediate correction. Hindi speaking States can make full use of this mistake to their advantage. Sir, I request someone in Government should immediately go thru the translated Hindi version of the RTI Act 2005 to ensure that there are no more mistakes. In the meantime Government needs to issue notification to correct this mistake. I have since written about it to CIC also on 03 April 2008. Sir, I am also placing this mail in Public Domain including media.

Unquote

Contd/-
Contd/-

Copy of Email to Hon'ble Prime Minister of India dated 10 April 2008 : Page 1 of 2

From:
Lokesh K Batra <lkbatra@rediffmail.com>
To: pmosb@pmo.nic.in

Subject: Urgent: : Hindi RTI Act 2005 has serious mistake

Date: Thu, 10 Apr 2008 19:32:27 IST

To help protect your privacy, images from this message have been blocked.

From:
Commodore (Retd.) Lokesh. K. Batra
Social & RTI Activist
Tel: 0120-2538939
Email IDs: lkbatra@rediffmail.com, batra_lokesh@yahoo.com

10 April 2008

To,

Dr. Manmohan Singh,
Hon'ble Prime Minister of India
Prime Minister's Office(PMO
South Block
New Delhi-110 011

Sub: Hindi RTI Act 2005 has serious mistake

Dear Sir,

I have noticed a serious translation mistake in Hindi version of RTI Act 2005.
Though I am having the printed copies of both the English and Hindi RTI Act 2005,
I have re-verified the same on following government website.

http://righttoinformation.gov.in/

In English version of the Act the Section 2(h) reads:

Quote

(h) "public authority means any authority or body or institution of self government
   established or constituted-

   (a) by or under the Constitution;
   (b) by any other law made by Parliament;
   (c) by any other law made by State Legislature;
   (d) by notification issued or order made by
   the appropriate Government,

> (i)body owned, controlled or substantially financed;
> (ii)non-government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;

Unquote. Contd/
The problem lies in Hindi version for Section 2(h)(d)(i).

When the Hindi version is translated to English, it conveys:

(i) body owned, controlled or substantially financed by the Central Government;

It means that this clause is only applicable to the "CENTRAL GOVERNMENT" which is not so.

This is a serious mistake and needs immediate correction.

Hindi speaking States can make full use of this mistake to their advantage.

Sir, I request some one in Government should immediately go thru the translated Hindi version of the RTI Act 2005 to ensure that there are no more mistakes.

In the mean time Government needs to issue notification to correct this mistake.

I have since written about it to CIC also on 03 April 2008.

Sir, I am also placing this mail in Public Domain including media.

High Regards,

Yours' Sincerely,
Commodore Lokesh. K. Batra (Retd.)
Social & RTI Activist
H-02
Sector-25
Jalvayu Vihar
Noida-201301

Tel: 0120-2538939
Email IDs: lkbatra@rediffmail.com, batra_lokesh@yahoo.com
**13 May 2008**:

**RTI filed** in PMO to know the status of letter sent to the PM on 10 April 2008.

**11 June 2008**:

CPIO, PMO response stating Email-letter of 10 April not traceable but a copy of same email-letter enclosed with RTI application of 13 May 2008 has been forwarded to DoPT.

**Filed First Appeal** to FAA PMO

FAA, PMO response not satisfactory and case goes to CIC

**12 March 2009**:

**Case heard by CIC**:

During CIC hearing, CPIO, PMO admitted virus in PMO computer system reason for not receiving email of 10 April 2008.

Contd/-
PMO e-mail system hit by virus

NEW DELHI, MARCH 15
E-mail system of the Prime Minister’s Office was under the grip of a computer virus for three months last year forcing officials to replace the software.
The technical glitch plagued the e-mail communication system of the PMO, which was based on the Microsoft Outlook Express, from February to April 2008.
Although the extent of damage was uncertain, the PMO said most of the e-mails addressed to it were not received.
The problem was detected only in late April after which the Microsoft Outlook Express e-mail software was discontinued and replaced by another software - Squirrel Mail.
The matter came to light during one of the hearings of the Central Information Commission where the PMO submitted that "there was virus problem during the months of February-March-April that was finally diagnosed only late in April".
The commission was hearing the plea of Air Commodore Lokesh Batra (retd.), who had complained to the PMO, through an e-mail, about various discrepancies in the Hindi version of the RTI Act, circulated by the Department of Personnel and Training.
In its submission to the commission, the PMO said, "Many mails reportedly sent were not received in the Outlook Express and subsequently the Outlook Express was discontinued and the Squirrel Mail was used."
"What is surprising is the fact that otherwise prompt IT experts posted in the PMO failed to diagnose the problem for three long months," an IT expert, on condition of anonymity, said.— PTI

PM couldn’t email for three months

New Delhi: The prime minister’s office e-mail system was under the grip of a computer virus for three months last year forcing officials to replace the software. The technical glitch plagued the e-mail system, based on Microsoft Outlook Express, from February to April 2008. Although the extent of damage was uncertain, the PMO said most e-mails addressed to it were not received.
The problem was detected only late April after which the software was replaced. The matter came to light when the Central Information Commission heard a plea of retired air commodore Lokesh Batra, who had complained to the PMO in an e-mail about discrepancies in the Hindi version of the RTI Act, circulated by the Department of Personnel and Training.
"What is surprising is the fact that otherwise prompt IT experts posted in the PMO failed to diagnose the problem for three long months," an IT expert said.
Central public information officer Amit Agrawal submitted before chief information commissioner Wajahat Habibullah, "In view of..." the technical problem mentioned above, it is clear that the events presumed to have taken place or documents presumed to have been in existence did not take place or get created."— PTI

Contd/-
12 March 2009:

After the CIC Hearing: CPIO, PMO had also provided a copy of PMO ID dated 11 Jun 2008 addressed to Secy, DoPT.

PRIME MINISTER’S OFFICE

South Block, New Delhi - 110 101

The undersigned is directed to forward a copy of email dated 10.4.2008 received from Commodore (Retd.) Lokesh K. Batra, regarding possible mistakes in the Hindi version of the RTI Act, for action as appropriate.

(V. Vidyavathi)
Director
T.No. 2301 8485

Secretary, Department of Personnel & Training
PMO I.D. no. 1074268/PMO/2008-E&S-II

Dated: 11.6.2008

Contd/-
04 June 2009:

When mistake still persisted, after one year of PMO writing to DoPT, Commodore Batra **filed an RTI in DoPT** to seek status and to do inspection of files. With his RTI, Commodore Batra enclosed a copy of PMO note of 11 June 2008 on the subject addressed to Secretary,

29 June 2009:

CPIO, DoPT stated that PMO ID of 11 June 2008 was not received by DoPT.

However, after receiving intimation from me, DoPT took up with Official language wing, Legislative Department, Ministry of Law & Justice (MoL&J)

Consequently, Legislative Department, Ministry of Law & Justice issued Notification on 22 June 2009, regarding 34 Mistakes/ corrections in Hindi Version of the Act.

Contd/-
भाषा का सम्पन्न अनुसारण
[भाग 2 – अनुभाव 1क]

भाषा का सम्पन्न, अस्थापत्य, भाग 2, अनुभाव 1क, भाष्करण 4, छात्र XLI, तारिख 13 अक्तूबर, 2005 के पुंड
संद 685 से 710 पर प्रकाशित सुव्यवस्था का अधिकार अधिनियम, 2005 (2005 का अधिनियम संशोधन 22) का
मुद्दत्र -

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Contd/-
Corrections made in Act, courtesy Noida resident

PARMINDAR SINGH

Noida, June 28

The Government of India has issued a notification entailing 34 corrections in the Right to Information (RTI) Act 2005, thanks to a consistent campaign by a senior citizen of Noida and retired defence officer, Commodore Lokesh Batra.

Changes have also been incorporated in pages 685 and 709 of the RTI Act, according to Batra.

The Right to Information Act, as an effective weapon in the hands of public, has been hailed as one of the important achievements of the UPA government in its last tenure. Batra who has been pursuing this case for the last 14 months had to use the very same RTI for effecting these changes and corrections in the RTI Act.

A Noida resident, Batra had on April 3, 2008 written a letter to the Chief Information Commissioner (RTI).

He followed it up with a letter on April 10, 2008 to the PMO inviting attention to a number of serious mistakes in the Hindi rendering of the Act.

When he did not receive any response from both offices, Batra sought information through an RTI application from the PMO. After three months of this RTI, PMO sent a communication to Department of Personnel and Training (DOPT), Government of India.

On March 12, 2009 it became known that PMO’s email system had been affected by virus.

After a relentless struggle, a notification of 34 corrections in the Hindi version of RTI Act has been issued by the government.

Equipped with a copy of this notification, Commodore Batra said he will continue to serve the public by raising important issues through the RTI.

Contd/ -
05 Oct 2010:

After I observed, **few mistakes even in the notification** issued on 22 June 2009 and **additional mistake** in Section-19(6).

**Filed an RTI** in Official language wing, Legislative Department, Ministry of Law & Justice (MoL&J)

---

**DATE LINE**

**(PHASE-2)**

9 October 2010

Dr. G. N. Bagla
Central Public Information Officer (CPIO) &
Joint Secretary and LC
Official Language Wing
Legislative Department
Ministry of Law and Justice
Room No. 431- X - Shastri Bhawan
New Delhi-110 001

Take 011- 23355010, Email ID:

Sub: Application under the RTI ACT, 2005

Dear Sir,

1. **Background** : In April 2008, when I had noticed that the Hindi version of the RTI ACT, 2005 contained discrepancies/errors in section 20(3)(a), I wrote to Hon’ble Prime Minister. Later RTIs were filed in PMO and DoPT to follow up the progress in getting the discrepancies/errors modified. In turn DoPT communicated with JL Official Language Wing, Legislative Department, Ministry of Law & Justice.

2. At last, Shri Ashok Sinha, Ministry of Law & Justice vide letter No. 2(42)/2008/Hindi dated 22 June 2008 addressed to Shri G.N. Bagla (MoL&J) informed me that the revised (indexed) version of the RTI ACT, 2005 (page nos. 635 to 710) have been published in the Gazette. A copy of the said letter of 22 June 2008 with its enclosure is attached.

3. I have observed that errors still exist as the corrections issued for page 637 in respect of section 20(3)(a) and section 21(3)(c). Further, translation of section 10(3) of the RTI ACT, 2005 appears to be incomplete in the Hindi version of the Act. Keeping this in mind, I fear there may be more discrepancies/errors in the Hindi version of the RTI ACT, 2005.

4. With reference to above, please provide me following information under the RTI ACT, 2005:

(a) The name(s) of the official(s) who carried out corrections to the Hindi version of the RTI ACT, 2005, in June 2008.

(b) Please provide me list of items/records with reference number(s) on which the said corrections to the Hindi version of the RTI ACT, 2005 were processed.

(c) File notations on movement of this RTI application as well.

(d) I would also like to inspect all the records concerned with the said case and follow up actions taken. At that stage, I will take attached copy of the relevant documents and notations in the files) as required. Please inform the date and time for the inspection of the file.

I am separately despatching a copy of this RTI (Superseding Only) as application No:

Yours Sincerely,

[Signature]

[Name]

[Address]

Phone: 011-23355010, Email ID: baglar@gmail.com

Contd-/-
18 October 2010:

CPIO, MoL&J responded.

25 October 2010:

File inspected in MoL&J.

I was informed in writing that updated version of Act is under printing and once it is published, a copy of same will be made available to me (Commodore Batra). As an appellant, I even endorsed the same on the Ministry’s File.
IT TOOK ANOTHER 10 MONTHS TO WAKE-UP DoPT

18 February 2011:

I sent an Email-letter to Shri K. G. Verma, Director (RTI), DoPT along with my communication with MoL&J. (See in trail)

16 August 2011:

Sent Reminder-1 to Shri K. G. Verma, Director (RTI), DoPT

07 December 2011:

Sent Reminder-1 to Ms. Anuradha S Chagti, Director(RTI), DoPT

08 December 2011:

My Email was forwarded by DoPT to the Legislative Department, Ministry of Law & Justice (MoL&J).
29 December 2011:

The US & APIO, Legislative Department, Ministry of Law & Justice (MoL&J) intimated to me that the Updated Bilingual Edition had already been published on 01 February 2011.

Thanking me for pointing out mistakes; it was intimated by MoL&J that a minor error in Section 19(6) still left and will be corrected in next edition.

Contd/-
09 January 2012:

Keeping to their words recorded on the File; the Legislative Department, Ministry of Law & Justice (MoL&J) forwarded me a copy of the Bilingual edition published on 01 February 2011.
सूचना का अधिकार अधिनियम, 2005
(2005 का अधिनियम संख्याक 22)
[1 फरवरी, 2011 को यथाविध्यमान]

Right to Information Act, 2005
(Act No. 22 of 2005)
[As modified up to 1st February, 2011]
IT TOOK SERIES OF REMINDERS AND ANOTHER 10 MONTHS FOR DoPT TO UPLOAD ON WEBSITE, CORRECTED VERSION OF THE HINDI RTI ACT

New Delhi, Saturday
January 14, 2012 Pages 22

RTI Hindi version on govt websites full of mistakes

NEW DELHI: In a reflection of the way things work in government circles, the mistakes that were pointed out in 2008 in the Hindi version of the Right to Information Act, have not yet been corrected.

The government’s RTI portal and websites continue to have flaws despite the Ministry of Law and Justice incorporating corrections and coming out with the revised edition of the Hindi version of the Act almost a year ago, said an RTI activist.

“This is a gazetted notification. I have been sending letters to the Department of Personnel and Training (DoPT), which is the concerned authority, but it seems like they do not want to rectify it. It has been almost eight years of reading the incorrect version which is still put on the website. It is such a shame,” said Commodore (retd) Lokesh K Batra, an RTI activist.

Available on website
One can read the flawed version of the RTI Act on the DoPT website, persmin.nic.in, the centre’s administrative authority in terms of RTI Act. This website takes the browser to this address: www.rightfoinformation.gov.in

According to Batra, he pointed out 24 errors in the Hindi version that are still there. The English version of the RTI Act defines public authority as any authority or body or institution that comes under the central and state governments whereas the Hindi version considers it as a body owned, controlled or substantially financed by the Centre only.

Similar mistakes, like central information officer translated as the chief information officer, were pointed out.

“The Hindi speaking states can use these clauses to their advantage. For example somebody files an RTI in a state government’s body, the officials can easily say they do not come under this. These things may happen.

“Despite warning them, about such possibilities, by sending letters and filing RTI’s nobody seems to care,” added Batra. On February 18 2011, Batra wrote to director, DoPT, requesting to intervene.

He sent reminders on August 16 2011 and again on December 7 2011 regarding the same. On December 9 2011, the DoPT forwarded his email to MoL&J and they replied on January 4 2012 revealing that the revised edition incorporating all correction was published almost a year ago.

‘Lackluster approach’
“DoPT is the nodal ministry for implementation of RTI, how should one react on this kind of lackluster approach of DoPT in handling serious matter like this where the copy of the Act itself has mistakes for over six years now and DoPT is aware about it and still not doing anything” said Batra.

In April 2008, Batra noticed that the Hindi version of the RTI Act, 2005 contained errors in Section 2(h)(d)(i), he wrote to Central Information Commission and Prime Minister. Later, he was notified that the errors have been rectified.

On October 5 2010, Batra filed an RTI with the Ministry of Law and Justice, after he had observed that errors still exist in the corrections issued for page 587 in respect of section 2(h)(d)(i) and section 2(h)(d)(ii).

Further, translation of section 19(6) of the RTI Act, 2005 appears to be incomplete in the Hindi version of the Act.

DH News Service

Contd/-
**10 January 2012**:

I wrote to Ms. Alka Sirohi, Secretary (P) forwarding my communication with Legislative Department, Ministry of Law & Justice (MoL&J). I requested her posting updated edition of the Act on the website.

**18 January 2012**:

I once again wrote to Ms. Alka Sirohi, Secretary (P) forwarding scanned copy of Bilingual edition of Act emphasizing the need to update the website and inform all concerned.

**29 May 2012**:

I wrote to Shri P.K. Misra, Secretary (P) emphasizing the urgency of correcting the website.

**13 July 2012**:

Had meeting with JS, DoPT and **handed over** a Published Copy of the the Bilingual Act, Edition dated 01 February 2011.

**18 October 2012**:

I requested for appointment with the Secretary (P). One of the agenda point was uploading updated copy of act on the website.
03 November 2012 :
(An Historic Day)

Had meeting with JS, DoPT, where I was informed that the updated copy of the Act is being posted on the Website.

On return, when I checked the DoPT website, as well as RTI Portal, I was thrilled to find that….. at last the 01 February 2011 Edition of RTI Act, 2005 was already uploaded on the Website.

Rest is history...

Use of RTI to correct RTI Act.. Wow... that is the power of RTI Act to Bring Change in our Governance System

CHEERS

Warm Regards,
Commodore Lokesh Batra (Retd.)
BringChangeNow
[ www.bringchangenow.org ]