

Field Assessment of KRIA - A step-by-step Guide

Introduction

With the introduction of the Karnataka Right to Information Act (KRIA) on 18th July 2002, Karnataka joined the small group of states that had taken the initiative to empower their citizens with the right to access information from the government. KRIA has been acknowledged as one of the better such laws in the country. However, irrespective of how good the law may be on paper, until it is actually tested on the ground one cannot ascertain its operational efficacy. It is precisely with the aim of testing the strengths and weaknesses of the Act that Public Affairs Centre (PAC), Bangalore and Commonwealth Human Rights Initiative (CHRI), New Delhi initiated a Field Assessment of KRIA in November 2002.

Objectives

The objectives of the Field Assessment were two-fold:

- To test the operational efficacy of the various provisions of the Act and
- To generate valuable feedback to the government

It was expected that this, in turn, would facilitate:

- Further fine-tuning of the law
- Strengthening the implementation of KRIA
- Enhancing awareness of KRIA – among both citizens and government officials

Phase I

Step 1 – Analysis of the Law

The first logical step was to understand the law in its entirety. By analysing the scope, procedure and provisions of the law, one can assess its strengths and limitations. With legal expertise at their disposal, PAC and CHRI carried out a thoroughgoing analysis of the law.

Step 2 – Developing a User's Guide

Based on this analysis, CHRI prepared its 'User's Guide to the Karnataka Right to Information Act', in October 2002. The User's Guide explains in simple language what the Right to Information is and the various provisions of the Act. It tells the citizen whom he/she should approach for obtaining information under the Act; on what grounds information can be denied to them; the procedures for obtaining information; and the Appeals process and penalties.

Step 3 – Formulating an assessment plan

In November 2002, PAC and CHRI decided to conduct a Field Assessment of KRIA in Bangalore. The idea behind the field assessment was to test the strengths and weaknesses of the Act, and in the process, generate valuable citizen feedback/ recommendations that would be relayed to the government to further improve the law. This assessment would be carried out through a group of volunteers that would visit different government agencies across the city, interact with the concerned officials, and apply for information using procedure stipulated in the Act.

Step 4 – Mobilising volunteers for field assessment

PAC identified a cross-section of NGOs, Resident Welfare Associations, and other civic bodies in Bangalore who could participate in the field assessment. They were then contacted, informed about the initiative, and invited to attend a Workshop on the Right to Information. The attached concept note explained the need to carry out such a field investigation, and the importance of an active civil society in making the law work for its citizens.

Step 5 – Training and orienting volunteers

On 9th November 2002, PAC and CHRI organised the KRIA Field Assessment Exploratory Workshop in Bangalore with the intention of informing and activating citizens on the issue of KRIA. Thirty-five participants, representing a cross-section of civil society, attended this workshop. After sharing and discussing information on the Act, the prospective volunteers were oriented on its various aspects.

Step 6 – Identifying types of information and agencies

Armed with knowledge about KRIA, the trained volunteers would file applications to various agencies, with the objective of creating a demand for information from the government. Together they identified 65 types of information they wished to obtain from 11 different public authorities.

Phase II – The Field Assessment

Step 1 – The Field Assessment Observation Schedule

At each step of the field assessment volunteers would record their observations, with the intention of documenting about 100 cases over a period of 4 months. To fully document his/her experiences, each volunteer was given a Field Assessment Observation Schedule (one for every application submitted), which would be a record sheet of observations for each agency visited. Through it, the volunteers could record the details of their interactions with public officials and the various procedures involved.

Step 2 – First round of applications

The field assessment began in November 2002, and for the next 2 months, the volunteers regularly visited agencies, interacted with concerned officials, and applied for information. Care was taken to apply for information using procedure stipulated in the Act, as this would provide an accurate assessment of the operational efficacy of the Act. Volunteers also recorded their observations on various relevant issues. Their progress was regularly monitored.

Step 3 - Interim Review – Format for collating experiences of volunteers

On 30th January 2003, PAC convened an Interim Review Meeting to take stock of the progress, and to facilitate sharing of experiences among volunteers. During the meeting, the status of applications pertaining to 42 cases covering 11 agencies was reviewed. The review was based on the following criteria: levels of awareness and responsiveness of officials regarding the Act; whether the Competent and Appellate Authorities had been appointed; whether the required information was furnished; and if so, whether provided within the stipulated time frame or not, etc.

By preparing a format for collating the results of this review, it was possible to appraise each of the agencies, assessing their ability (or lack of it) to provide information to the public. It was concluded that in this phase of the field assessment most of the agencies were ignorant of the provisions of the Act, and therefore, inadequately organised to deal with applications under KRIA.

Step 4 – Identifying the Notified Authorities

With the staff of most agencies unaware of the Competent and Appellate Authorities (AA) under KRIA, PAC assisted its volunteers in identifying the appropriate authorities for each agency. By providing a comprehensive list of all the Notified Authorities under the Act, the volunteers would be able to easily identify the Competent and Appellate Authorities for each agency they wished to approach. This was particularly relevant in the case of Appellate Authorities, to whom more volunteers would be filing appeals.

Step 5 – Redirecting old applications

In view of these observations, a decision was taken to resubmit all applications to recently constituted Competent Authorities (CAs) in various public agencies. Volunteers redirected their old applications (mostly to the BMP), and continued to test the response of government officials.

Also, a team from PAC and CHRI met Ms. Vatsala Watsa, Secretary to Government, Department of Personnel and Administrative Reforms, to inform her of the progress of the field assessment. In securing her support for this initiative, a sense of urgency was injected into the proceedings – to complete the field assessment, analyse the findings, and formulate recommendations to the government to further improve the Act.

Step 6 - Fresh applications

Therefore, in March 2003, new applications were filed, with the aim of increasing the sample size necessary to document experiences. In addition to the 42 applications that had already been filed, a decision was taken to file additional 58 applications, taking the total to 100 applications covering 20 public authorities. A revised survey form was distributed to all volunteers, to document their most recent set of experiences.

Step 7 – Filing appeals

With the decision to push forth for information, there has been continued follow-up of the pending applications in various departments. In cases where no information was forthcoming, volunteers were encouraged to file appeals, thereby taking the whole process to a higher level.

Step 8 – Rigorous monitoring

Since the Act has certain procedures that require to be followed scrupulously, there has been continuous monitoring of the progress of volunteers in this final phase. With PAC regularly reviewing the progress of each volunteer, on a one-to-one basis, a progress log for each volunteer, as well as a cumulative table of results, is being updated weekly. The entire assessment has been systematically documented, with each volunteer recording his/her experiences about various relevant issues in a simple Record Sheet of observations.

Step 9 – Final Review

At the KRIA Final Review Meeting held on 25th April 2003, the small group of devoted volunteers assembled for stocktaking and review of developments. They were encouraged to note that over a period of 5 months, they had filed an impressive 100 applications, covering 21 public authorities. They also conducted a group assessment of the various agencies, based on their individual experiences. This data would then be compiled, documented and analysed – and the findings presented to a host of key government officials at a Public Hearing in May.

Phase III

Step 1 - Implementation Audit of KRIA

Armed with the necessary data, PAC and CHRI went about the task of putting together the “Implementation Audit of the Karnataka Right to Information Act 2000” – a comprehensive report on the field assessment and the findings. The Audit sought to answer the simple question of whether the Right to Information was working in Bangalore or not. Agencies were ‘rated’ as ‘Responsive’, ‘Tentative’ or ‘Inactive’ based on certain criteria. The Agency Factsheets provided a complete picture of the public authorities in the context of implementing KRIA. It was hoped that the findings of the Audit would stimulate the various public authorities to put in place systems to implement the Act more effectively.

Step 2 – Preparing for the Public Hearing

Simultaneously, preparations were on for the Public Hearing. Much effort went in to secure the presence of key government officials, especially of the Bangalore Mahanagara Palike (BMP), the City Corporation, to whom almost half the KRIA applications had been filed. Invitations were sent to the heads of 21 agencies to which applications had been filed, requesting them to also ensure the participation of their Competent and Appellate Authorities. Numerous follow-up calls were made to this end. Extra effort was put into securing the presence of the press, as part of the larger plan of generating awareness on KRIA, and making it work for the people. Other civic bodies, NGOs and RWAs were also invited.

Step 3 – Working with the BMP

PAC has made a special effort to work with the BMP on this issue. Prior to the Public Hearing, a list of applications made to the BMP was compiled and sent to the Commissioner, based on which the BMP has been able to better organise itself to meet the information requests of citizens. Post-Public Hearing, the BMP has incorporated certain suggestions put forth by PAC, such as further decentralisation of Competent Authorities. Plans are afoot to broaden this sphere of cooperation, possibly in the area of providing training to BMP officials on the provisions of KRIA, and their obligations vis-à-vis the Act.

Step 4 – Public Hearing on the Implementation Audit

The “Public Hearing on the Implementation Audit of the Karnataka Right to Information Act 2000 - experiences in Bangalore” that was held on May 16th 2003 was attended by key officials of various government agencies, media persons and a cross-section of civil society. Once the findings of the Implementation Audit were presented, PAC and CHRI put forth several recommendations for effectively implementing the Act across agencies in Bangalore city. The officials responded by sharing their perceptions and constraints vis-à-vis KRIA. The officials responded positively, and promises were made of some broad measures for implementation of KRIA in Bangalore.

Phase IV

Step 1 – Intensifying the Campaign

The extensive media coverage of the Public Hearing and findings of the Implementation Audit; and the positive response of officials, was stimulus enough to intensify the KRIA initiative. In keeping with the spirit of cooperation initiated with the BMP, PAC offered to provide assistance to the Corporation to enhance awareness regarding the Act. Simultaneously, in July 2003, PAC engaged its volunteers in a post-assessment, to test whether institutional arrangements for implementing the Act have been put in place after the Public Hearing. To ensure that volunteers could optimally utilise the information they asked for, they were provided a list of various types of useful information that could be obtained from BMP offices. Such clear and specific requests for information would ensure the acceptance of applications, thereby expediting the process of information delivery.

Step 2 – A BMP-centred approach

In the next phase, PAC consciously adopted a BMP-centred approach. Volunteers were requested to file fresh applications to the various zonal offices of the BMP. This post-assessment is currently in progress.