

KRIA KATTE MEETING, 20th November 2004

Venue: Public Affairs Centre

ACTION POINTS

The following members attending the November KRIA Katte meeting:

1. Anu Rao, Public Affairs Centre
2. P. Suresh, Consultant
3. Vikram Simha, Basavangudi Nagarika Samiti
4. Anand, Anti Corruption Forum
5. Sadashiva Reddy, Representative - CHRI
6. Somasekhar, Grahak Shakti
7. Anil Kumar, Forward 68
8. Ashim Jain
9. Madhan Gopal, Bangalore East Swabhimana Trust
10. S.N. Subramanya, Jayamahala Consumer Society
11. C.M. Subbaiah
12. Nirmala Govindraj, Richards Town Residents' Association
13. Ranganath, Akhila Bharatiya Grahak Panchaya (ABGP)
14. S. Krishnamurthy, ABGP

Somasekhar of Grahak Shakti moderated the meeting.

Those who intimated us of their inability to attend include:

1. Sindhu Naik, RIM & ILP
2. Y.V. Aswathanarayana, Consumer Care Society
3. Y. Damodara, Girinagar Welfare Association
4. S. Rajanna, Girinagar Welfare Association
5. Y.G. Muralidharan, CHRI

I. Review of activities, status of pending applications and update on Wilson Pais case:

1. *P. Suresh* had filed two applications to the BMP, and having received no information, filed appeals in both cases.
 - a. **BMP:** In response to his appeal, and according to the provisions in the Act, the Appellate Authority (AA), the Special Commissioner, called him for a hearing. At the hearing, Suresh was told that as information asked was too general in nature, he would have to re-submit a more specific application.
 - b. **BMP:** W.r.t the second case, as the concerned competent authority (CA) did not turn up for the hearing, the Special Commissioner postponed the hearing, and after a few delays, the date for the next hearing has been fixed for 22nd November. In this regard, Suresh informed the group that he is planning to take action against this delay in supply of information.
 - c. **BDA:** Dissatisfied with the information provided by the BDA regarding details of the Comprehensive Development Plan (CDP), he filed an appeal to the concerned authority, and is awaiting a response from the AA.

2. *S. Anand* had filed applications to the following agencies:
 - a. **BMP:** Asked for assets of local corporators of three wards, filed with the Mayor, as per the KMC Act. As no information was provided to him (in spite of it already existing), he filed an appeal, which has yet to be responded to.
 - b. **BDA:** As information regarding specifications and contract copy for Jayadeva flyover was not forthcoming, he filed an appeal.
 - c. He also had an interesting story to recount about the Police...

He had filed an application with the head of the **Police** (the Commissioner) seeking details of the organisation, its function and duties, procedures for obtaining information under KRIA, the notified officers, etc. With no response from the police, he filed an appeal, but to no avail. Thereafter, he filed a petition in the High Court. On the Court's instructions, he received details of the notified authorities under KRIA, viz.:

Deputy Commissioner of Police (Admn) - Competent Authority
Commissioner of Police - Appellate Authority

Armed with the information, he filed an appeal with the Karnataka Appellate Tribunal (KAT), where he was directed to appeal to the AA of the Police department, as the authority was now made known in the course of the court proceedings.

- d. However, Anand is now confronted with a tricky situation - he has to file an appeal with the AA, the COMMISSIONER (the notified authority) against the non-supply of information by.... the COMMISSIONER (the head of the office, and to whom he had applied earlier)!

Anand also informed the group of the competent authorities appointed by the KAT, viz, the Assistant Registrar, Cooperation; Assistant Registrar, Commercial Tax & Assistant Registrar, Revenue. The latter is the authority that deals with the right to information in Karnataka.

3. Following this, *Sada Shiva Reddy* provided a brief update on the Wilson Pais case:

The High Court order of 6th September had left the issue of levy of penalty on the CA open to the applicant. Wilson, therefore, filed an appeal before the Appellate Authority (Special Commissioner), BMP on 5th October seeking levy of penalty & disciplinary action against the CA (Deputy Commissioner), and to inform him of the action taken.

In response to the appeal, the AA called Wilson for a hearing on 15th October and noted the pleas of both parties. He also informed Wilson and his advocate, Sada Shiva Reddy that he would, within 30 days, pass an order.

On 12th November, Wilson received the Special Commissioner's order, in which he declined to take disciplinary action against the CA on the grounds that the latter did not cause any delay intentionally, and as the information - which is of a public nature - had already been provided as per the High Court order.

Dissatisfied with the response, Wilson filed an appeal with the KAT on 20th November, seeking to quash the order passed by the AA, and to impose penalties and disciplinary action for dereliction of duty. This will also be a landmark case - the first appeal challenging a written order of an Appellate Authority under KRIA.

4. *S.N. Subramanya*, in response to his application, received a written request from the BMP seeking 60 days extension for obtaining the information sought. As the request was arbitrary, the Katte urged him to go on appeal.

He also had an interesting tale to narrate...

After filing an appeal with the BMP seeking details of spill over works, programme of works and status of works for the current year, 74-year-old S.N. Subramanya got a call from the local corporator, who verbally harassed him, and threatened to bring goons to his doorstep if he continued with his enquiries under KRIA. He insisted that such questions would hinder the work of government servants, and that Subramanya should desist from using the Act to unearth such details. Instead of retreating, Subramanya stood firm, and after realising that he did not intend to bow down to his threats, the corporator called him after a few days and tried to downplay the incident, even going so far as to say that the whole thing had been in jest!

This, according to Somasekhar, exposed the nexus between the corporator and Corporation officials. More important, it shows that KRIA is working, and that the efforts of groups like the Katte has been noticed by the concerned authorities. This element of fear is proof enough of the potential of RTI in exposing corruption and malpractices.

5. *Anil Kumar* had five pending applications and had filed 3 new ones. He informed the Katte that a majority of appeals filed with the BMP as far back as last year were yet to be responded to. As the stipulated time period has already lapsed, the group advised him to file the applications again OR revive applications by writing to the AA to provide him the requested information, failing which he would have to take recourse to judicial action. The BMP Special Commissioner had also called him for a hearing on 22nd November.
6. *ikram Simha* had recently filed an application to the BMP Horticulture department on the amount collected as penalties (for plucking flowers, etc), and how those funds are being utilised.
7. *Somasekhar* told the group that Grahak Shakti had filed 3 applications with the Registrar of Cooperative Societies, from whom there was no response. The applications were filed with the objective of unearthing some discrepancies, and thereby weeding out a corrupt person. They aim to follow this case to its logical end, and are preparing to file appeals in the KAT, if necessary.

He also informed the group that Grahak Shakti had begun to post information on KRIA Katte and its activities on www.digitalbhoomi.com - an ad-free community website.

8. *Anu Rao* informed the group that PAC has collaborated with VOICES, a Communications NGO in Bangalore, to conduct a "Sensitisation workshop on the use and scope of right to information in Karnataka" on 29th November. The workshop would be for the members of the Proof Energy Centre (PEC) and would include an in-depth presentation of how to use KRIA and how it can benefit citizens.

II. Possible Katte interventions:

The Katte then discussed possible activities for the months of November and December and appointed core groups, which would be responsible for organising each activity/programme & reporting its progress to the Katte:

1. **Pilot RTI Clinic:** Anand & Vikram Simha would undertake the responsibility of conducting a Clinic in Basavangudi, in association with the Basavangudi Nagarika Samiti.
2. **Awareness & Publicity on KRIA - advocacy with the government:** The core group, consisting of Anu Rao of PAC, P. Suresh, & Somasekhar of Grahak Shakti, would pick up the threads of the meeting with the Chief Secretary on 28th September (International Right to Know Day), and lobby with the government to ensure wider publicity and awareness among citizens and officials regarding the Act.
3. **Public Audit:** After some deliberation, the Katte took the decision to conduct a public audit of the BMP, instead of the Police. As no group(s) evinced enough interest and/or ability to conduct an audit of the Police, and as this is unchartered waters, the Katte decided that the BMP would be the most appropriate agency for a number of reasons:
 - An already existing database, that needs to be updated
 - BMP has issued internal notices for better implementation of KRIA after the High Court order on the Wilson Pais case
 - Majority of applications in Bangalore have been filed with the BMP

The data for the audit would be collected, compiled and analysed by Anil Kumar and Anu.

Anu also suggested that members who were not present could volunteer online to be part of any activity/programme. Volunteers can contact any of the core group members.

4. **Media & publicity:** In order to ensure wider publicity for these efforts on KRIA, Vikram Simha suggested that the Katte collaborate with a newspaper, which can feature a regular weekly column on KRIA, the Katte, its activities and related stories. In this regard, Somasekhar said he would contact Deccan Herald & Vijaya Karnataka. The group also agreed that the important facts and stories that emerge from each

Katte meeting should also be widely disseminated, and mooted that Subbu Vincent be roped in to highlight relevant issues on India together & in other media.

III. Other issues

1. At this juncture, *Ranganath & Krishnamurthy* of ABGP, quoting the example of Subramanya, raised the issue of what support members could expect from the Katte in case of threats and harassment. In response to this, Somasekhar explained that though the Katte was mainly a capacity-building group, it would rally together as a unified body, in case of external exigencies and threats. Vikram Simha also added that the Katte would use various media to highlight such instances and rally public support.
2. *Ashim Jain*, a new member, suggested that the Katte write-up a list of Rules for posting messages, which should be mailed to each new member, and adjust the settings such that the rules are automatically posted to all members on the 1st of every month. This will enable the group to be a self-moderating one. The rules can include, among others:
 - a. Do not post information on issues not directly related to the Right to Information
 - b. Avoid, as far as possible, any cross-postings
 - c. Send individual messages (if they do not concern the entire group) to the person's email account directly
3. It was also suggested that the names of attendees should be included in the minutes/action points that are drawn up after each meeting.
4. In response to *Y.G. Muralidharan's* suggestion via email that the Katte could identify mechanisms to make it an independent body, with volunteers, resources, etc, the members felt it was too early to make the Katte a formal outfit. Only after the existence of the Katte was made widely known, and its membership expanded, would it possible to consider making it a formal body.
5. The meeting concluded with *Ashim Jain* informing the group of his proposed Parivartan-style *jan sunwai* (public hearing) with a small community w.r.t misappropriations in ration shops. He asked for assistance in this endeavour, to which Anand and Somasekhar readily agreed. The proposed meeting would address citizens' problems, after which Anand would help them in filling out applications under KRIA, and directing them to the concerned authorities.