

**IMPLEMENTATION AUDIT
OF
KARNATAKA RIGHT TO INFORMATION ACT, 2000
(November 2002 – April 2003)**

A joint initiative of



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Bangalore**



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Implementation Audit: Karnataka Right to Information Act

Background

The Right to Information (RTI) today is universally acknowledged as a fundamental human right, effectively contributing to the promotion of transparency, accountability and public participation in governance - the three key ingredients for "Good Governance" as defined by the United Nations Development Programme (UNDP). India has the distinction of being among one of the few nations in the world to have enacted a national legislation on the Right to Information¹.

Karnataka is one of the states that took the initiative to enact its own RTI legislation while the Central Act was still in the making. The Karnataka Right to Information Act (KRIA) was enacted in 2000, and came into effect in July 2002 when the Karnataka Right to Information Rules were notified. Despite some of its lacunae, KRIA does provide reasonable scope to set in place a system through which citizens can easily access information that they want from the government. KRIA cast many obligations on public authorities and these are as follows:

- All public authorities must have a Competent Authority to deal with requests for information under KRIA.
- Once a request is received and if information is being provided, the applicant must be informed of the fee payable for the information within 7 days from date of application.
- Information must be provided within 15 working days from date of fee payment
- If information is being denied, the applicant must be informed of reasons for denial within 15 working days from date of application.
- In case of delay or if information provided is false, the applicant can appeal to a designated "appellate authority", a second appeal lies with the Karnataka Appellate Tribunal.
- In case of delays or if false information is provided a penalty of upto Rs 2000 can be levied on the Competent Authority.
- In addition, all offices of public authorities are required to display the following information on notice boards outside their offices:
 - particulars of the organization, its functions and duties.
 - powers and duties of the officers and employees and procedure followed by them in decision-making.
 - norms set up by the public authority for carrying out its functions
 - details of facilities available to citizens for obtaining information

A comparison of RTI legislation across the country shows that KRIA is a relatively progressive legislation. The real test however lies in the implementation of KRIA. With the realisation that unless KRIA genuinely serves the information needs of the people it would amount to nothing. Public Affairs Centre (PAC), Bangalore and Commonwealth Human Rights Initiative (CHRI), New Delhi, embarked on a joint effort of to conduct the 'Implementation Audit' of KRIA in November 2002.

The idea behind the effort was to assess the implementation of KRIA in Bangalore, and in doing so, generate valuable citizen feedback / recommendations that would be relayed to the government in order to improve systems for effective implementation. With these objectives in mind, PAC and CHRI brought together concerned citizens, orienting them on KRIA and the various procedures involved in seeking information. In securing their participation in creating a demand for information, PAC and CHRI were able to galvanise civil society groups into actively testing the efficacy of KRIA in Bangalore City.

The Implementation Audit began with the training of volunteers, who then identified their information needs and the public authorities they wished to approach for information. Care was taken to file the applications according to the procedure stipulated in KRIA, as this would enable accurate assessment of the operational efficacy of the law. This study is a reflection of the experiences of ordinary citizens in their attempt at trying to use KRIA in Bangalore.

Twenty public authorities were approached and 100 applications were submitted between the period November 2002 and April 2003. The response of the public authorities has been varied - some have

¹ The Freedom of Information Act, 2002 was enacted in December 2002.

been proactive and others have been non-responsive. The agency factsheets that follow provide a complete picture of these public authorities in the context of implementing KRIA.

PAC and CHRI would like to thank the volunteers for their contribution, and the time and effort spent by them to make this "Implementation Audit" of KRIA possible. We hope these findings provide the necessary feedback to various public authorities in order to enable them to put in place systems to effectively implement the Karnataka Right to Information Act, 2000 which is acknowledged to be one of the progressive laws on the topic in the Country.

IS RIGHT TO INFORMATION WORKING IN BANGALORE?

The simple question this implementation audit seeks to answer is this: is right to information working in Bangalore? The assessment of the public authorities approached was focused on seeing if these bodies were implementing their obligations as envisaged in the law. It must be stated at the very outset that the findings of the survey are not a reflection on the working of the public authorities as a whole. The findings are based entirely on experience of volunteers in the course of their interaction with the various public authorities in trying to access information. The number of applications filed to the various public authorities varied with the information needs of the volunteers. It is for this reason that the BMP has received 49 applications for information and a body like Department of Energy or Department of Employment and Training have received only 1.

The criterion for assessment are "responsiveness", "less responsive" and "least responsive".

- a) Responsive :- When the public authority implements the law by
 - Displaying of notice boards containing the information required to be disclosed voluntarily under the law.
 - Providing information within the stipulated time limits.
 - Follows the procedure envisaged in the law.
- b) Less responsive: - When the public authority:
 - Accepts applications and provided information only after consistent follow-up by the applicant.
 - Does not provide information within the stipulated time limits.
 - Does not display notice boards containing the information required to be disclosed voluntarily under the law.
- c) Non responsive:- When the public authority
 - Accepts applications and sits on it.
 - Does not maintain a record of applications received
 - Displaying of notice boards containing the information required to be disclosed voluntarily under the law.

The following sheets contain fact sheets of specific public authorities as well as cumulative fact sheet for all public authorities that were approached.

Assessment of Public Authorities:

Sl.No.	Public Authority	Assessment
1.	Bangalore Mahanagar Palike	Inactive
2.	Bangalore Development Authority	Responsive
3.	Bangalore Water Supply and Sewerage Board	Responsive
4.	Bangalore Electricity Supply Company	Responsive
5.	Slum Clearance Board	Tentative
6.	Bangalore Metropolitan Transport Corporation	Inactive
7.	Pollution Control Board	Inactive
8.	Transport Commissioner's Office	Inactive
9.	Urban Development	Inactive
10.	Registrar of Societies	Inactive
11.	Public Works Department	Inactive
12.	Karnataka Electricity Regulatory Commission	Responsive
13.	Department of Education	Inactive
14.	Department of Legal Metrology	Inactive
15.	Directorate of Employment & Training	Tentative
16.	Lok Ayukta	Responsive
17.	Police	Inactive
18.	Karnataka Power Transmission Company Ltd	Tentative
19.	Energy Department	Inactive
20.	Food and Civil Supplies Department	Tentative

Responsive

When the public authority implements the law by:

- Displaying notice boards with information required to be disclosed voluntarily under the law
- Providing information and in most cases within the stipulated time limits, but in case of delay keep the applicant informed. Follows the procedure envisaged in the law.

Not all agencies that fall into the category of "Responsive" fulfill all aspects of the criterion. For example the average time frame for receiving information from BWSSB is 1 month, The C.A is very approachable, first all the information is collected and then letters are sent to the applicants and in some cases calls are made to inform them about the fees payable. On payment of fees information is furnished immediately.

In case of KERC and Lok Ayukta only 1 application each has been made, the interaction of the applicants was positive. KERC has appointed a Public Information Officer in addition to the Competent Authority to interact with the public on information issues on a daily basis

Tentative

When the public authority implements the law by:

- Accepts applications but provided information only after continuous follow -up.
- Does not provide information within the stipulated time limits.
- Does not display notice boards containing the information required to be disclosed voluntarily under law

Inactive

When the public authority:

- Does not accept applications,
- When applications are accepted, sits on it.
- Does not maintain a record of applications received
- Does not display notice boards containing the information required to be disclosed voluntarily under law

Sl. No	Public Authority	No. of Applications	No of Applications Not Responded to	No of Applications For which Information was provided	Applications For which Information Was Inadequate/ Irrelevant	No of Denials	Reasons For Denial	Average Time Frames (days)	No of Applications Returned due to filing in wrong Department	Fees Charged- Process for Remittance	No of Appeals	No of Appeals heard and disposed off	Suo moto disclosures displayed	Responsiveness and awareness
14	Legal Metrology	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive*
16	Directorate of Employment & Training	1	Nil	1	Nil	Nil	Nil	40	Nil	Nil	Nil	Nil	Nil	Tentative*
17	Lok Ayukta Police	1	Nil	1	Nil	Nil	Nil	21	Nil	Nil	Nil	Nil	Nil	Responsive
18	Police	Attempted 1	Did not accept	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive***
19	KPTCL	1	Nil	1	Nil	Nil	Nil	60	Nil	Nil	Nil	Nil	Yes	Tentative*
20	Energy	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive*
21	Food & Civil Supplies	1	Nil	Nil	Nil	Nil	Nil	Nil	Application Forwarded to Central Government	Nil	Nil	Nil	Nil	Tentative*

Criteria for assessment of Public Authorities:

<p>a) Responsive</p> <p>When the public authority implements the law by</p> <ul style="list-style-type: none"> - Displaying notice boards with information required to be disclosed voluntarily under the law - Providing information in most cases within stipulated time limits, but in case of delay keep the applicant informed - Follows the procedure envisaged in the law. 	<p>b) Tentative</p> <p>When the public authority:</p> <ul style="list-style-type: none"> - Accepts applications but provided information only after continuous follow-up - Does not provide information within the stipulated time limits. - Does not display notice boards containing the information required to be disclosed voluntarily under law. 	<p>c) Inactive</p> <p>When the public authority:</p> <ul style="list-style-type: none"> - Accepts applications and sits on it. - Does not maintain a record of applications received - Does not display notice boards containing the information required to be disclosed voluntarily under law
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* Even though the assessment had been based on a single application filed, the applicants had to interact with the public authority and engage in follow up, the responsiveness is assessed is based on this interaction.

** KERC is termed responsive because the information is provided and they are setting up systems to promote RTI by appointing a "Public Information Officer" in addition to a Competent Authority.

*** Police has been the only agency which did not accept an application

**Findings of the “IMPLEMENTATION AUDIT” of the Karnataka Right to Information Act, 2002
Cumulative Public Authorities Factsheet**

Sl. No	Public Authority	No of Applications	No of Applications Not Responded to	No of Applications For which Information was provided	No of Applications for which Information Was inadequate / Irrelevant	No of Denials	Reasons For Denial	Average Time frames (days)	No of Applications Returned due to filing in wrong Department	Fees Charged- Process for Remittance	No of Appeals	No of Appeals Heard and Disposed off	Suo moto Disclosures Displayed	Responsiveness And Awareness
1	BMP	49	49	Nil	Nil	Nil	Nil	Nil	Nil	Nil	15	Nil	Nil	Inactive
2	BDA	14	6	7	4	Nil	Nil	7 to 15	1	Nil	2	1	Nil	Responsive
3	BWSSB	11	2	8	2	1	Not Available	30	Nil	Paid by Postal order	1	Nil	Yes-Details of C.A	Responsive
4	BESCOM	6	3	3	1	Nil	Nil	7 to 21	Nil	Nil	Nil	Nil	Nil	Responsive
5	KSCB	4	2	2		Nil	Nil	40	Nil	1-nil; 1-Rs. 100	Nil	Nil	Nil	Tentative*
6	BMTC	3	3	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive
7	KSPCB	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive
8	Transport Commissioner's Office	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive
9	Urban Development	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive
10	Registrar of Societies	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive
11	PWD	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive*
12	KERC	1	Nil	1	Nil	Nil	Nil	20	Nil	Paid by Postal order	Nil	Nil	Nil	Responsive**
13	Educations	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Inactive*

Bangalore Mahanagara Palike

TOPIC HEAD	DETAILS	REQUIREMENTS UNDER KRIA
No. of applications	49	
No. of applications not responded to	49	
No. of applications for which information was provided	None	
No. of applications for which information was inadequate/ incomplete	None	
No. of denials	None	
Reasons for denial	None provided	- Reasons for rejection must be communicated in writing. -Period within which appeals can be made must be informed -Details of appellate authority should be intimated.
Time frames	Have already violated statutory time frames by not responding in all 49 cases.	- If information is being provided - fees to be intimated to applicant within 7 days. - Information should be provided/ rejected with reasons within 15 days from date of application
No. of applications returned due to filing in wrong department	None	If application is made to a wrong C.A. – it is the C.A's duty to forward it to the correct authority and inform the applicant of the same.
Fees charged – process for remittance	None - since no response to applications	Rs 5 per A4 size page; Rs 100 per floppy; Maps, plans etc as fixed by the authority.
No. of Appeals	15	Appeals lie with the designated Appellate authority, in this case the Special Commissioner.
No. of appeals heard and disposed of	None	
<p><i>Other Comments:</i></p> <ul style="list-style-type: none"> • Implementation of Suo moto disclosures: Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in any of the BMP offices informing them of details of the Competent Authority and/or powers,, functions and duties of that office. • Awareness and responsiveness of officers: The officers are aware that applications under KRIA have to be accepted, but they do not respond to the applications. In cases where volunteers have been involved in vigorous follow up, they have been informed that their applications have been forwarded to relevant officers in the BMP. They have also been told to now follow up with those relevant officials and some outward numbers have been provided to applicants as reference. • Relevance of information provided: Since no information has been provided, it is not possible to access relevance at this time. 		

Bangalore Development Authority

TOPIC HEAD	DETAILS	REQUIREMENTS UNDER KRIA
No. of applications	14	
No. of applications not responded to	6	
No. of applications for which information was provided	7	
No. of applications for which information was inadequate/ incomplete	4	
No. of denials	None	
Reasons for denial	None provided	- Reasons for rejection must be communicated in writing. -Period within which appeals can be made must be informed -Details of appellate authority should be intimated.
Time frames	Information has been provided within 7-15 days	- If information is being provided – fees to be intimated to applicant within 7 days. - Information should be provided/ rejected with reasons within 15 days from date of application
No. of applications returned due to filing in wrong department	1	If application is made to a wrong C.A – it is the C.A's duty to forward it to the correct authority and inform the applicant of the same.
Fees charged – process for remittance	None	Rs 5 per A4 size page; Rs 100 per floppy; Maps, plans etc as fixed by the authority.
No. of Appeals	2	1 st appeal – Designated appellate authority 2 nd appeal – Karnataka Appellate Tribunal
No. of appeals heard and disposed of	1 – information provided	
<p><i>Other Comments:</i></p> <ul style="list-style-type: none"> • Implementation of Suo moto disclosures: Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in the BDA informing them of details of the Competent Authority or powers,, functions and duties of that office. • Awareness and responsiveness of officers: The officers are responsive to the extent that applications are accepted and information is promptly provided. The volunteers have had to follow up and there seems to be a dependency on one particular individual in the department – if that PRO is not there, information is not provided. • Relevance of information provided: In some cases the information provided was not as per the request made. After information was received, the applicant had to go back and seek the correct/ relevant information. 		

Bangalore Electricity Supply Company

TOPIC HEAD	DETAILS	REQUIREMENTS UNDER KRIA
No. of applications	6	
No. of applications not responded to	3 – of which 2 applications were filed recently and response is awaited, as statutory time has not lapsed.	
No. of applications for which information was provided	3	
No. of applications for which information was inadequate/ incomplete	1	
No. of denials	None	- Reasons for rejection must be communicated in writing. -Period within which appeals can be made must be informed -Details of appellate authority should be intimated.
Reasons for denial	None	- If information is being provided – fees to be intimated to applicant within 7 days. - Information should be provided/ rejected with reasons within 15 days from date of application
Time frames	On an average, information is provided between 7-21 days.	If application is made to a wrong C.A – it is the C.A's duty to forward it to the correct authority and inform the applicant of the same.
No. of applications returned due to filing in wrong department	None	
Fees charged – process for remittance	None	Rs 5 per A4 size page; Rs 100 per floppy; Maps, plans etc as fixed by the authority.
No. of Appeals	None	1 st appeal–Designated appellate authority 2 nd appeal–Karnataka Appellate Tribunal
No. of appeals heard and disposed of	None	
<p><i>Other Comments:</i></p> <ul style="list-style-type: none"> • Implementation of Suo moto disclosures: Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in BESCO informing them of details of the Competent Authorities or powers, functions and duties of that office. • Awareness and responsiveness of officers: The response of the department has been mixed - in some cases the information has been provided, in one case officer refused to accept application without giving reasons. Comparatively speaking the response time has been positive, even though the time limits prescribed in the law are not strictly followed. • Relevance of information provided: There have been no complaints on irrelevance of information from applicants who have received information but in one case information provided was not sufficient as per the requestors needs. 		

Bangalore Water Supply and Sewerage Board

TOPIC HEAD	DETAILS	REQUIREMENTS UNDER KRIA
No of applications	11	
No of applications	2	

not responded to No of applications for which information was provided	8	
No of applications for which information was inadequate/incomplete No of denials	2 - information provided was not what the applicants asked for. 1 applicant has appealed for the proper information 1 - Applicant asked for information that BWSSB did not maintain. The applicant was told information would be made available when possible.	
Reasons for denial Time frames	Information not available. Average time for providing information is 30 days. Information is collected, the applicant is informed the fees payable. Once fees are paid information is provided.	-Reasons for rejection must be communicated in writing. -Period within which appeals can be made must be informed -Details of appellate authority should be intimated. -If information is being provided – fees to be intimated to applicant within 7 days. - Information should be provided/ rejected with reasons within 15 days from date of application
No of applications returned due to filing in wrong department	None	If application is made to a wrong C.A – it is the C.A's duty to forward it to the correct authority and inform the applicant of the same.
Fees charged – process for remittance	The officer despatches letters asking for payment of fees by postal order.	Rs 5 per A4 size page; Rs 100 per floppy; Maps, plans etc as fixed by the authority.
No. of Appeals No. of appeals heard and disposed off	1 - Appeal was made since the information provided was not as per applicant's requirements. None	1 st appeal – Designated appellate authority 2 nd appeal – Karnataka Appellate Tribunal
<i>Other Comments:</i>		
<ul style="list-style-type: none"> • Implementation of Suo moto disclosures: Notice board with details and functions of the competent authority have been put up. • Awareness and responsiveness of officers: The department has been very proactive, responding to all the requests. In some cases the concerned authority has even called the applicants, informing them that their information is ready and asking them to come and collect it. • Relevance of information provided: There has been only one complaint of incomplete information being provided. 		

Karnataka Slum Clearance Board

TOPIC HEAD	DETAILS	REQUIREMENTS UNDER KRIA
No. of applications	4	
No. of applications not responded to	2	
No. of applications for which information was provided	2 applications have been responded to, where information has been provided.	

No. of applications for which information was inadequate/ incomplete	None	
No. of denials	None	- Reasons for rejection must be communicated in writing. - Period within which appeals can be made must be informed - Details of appellate authority should be intimated.
Reasons for denial	None	
Time frames	In one case information was provided across the counter on the same day as application. In the other cases, constant follow-up was required and information was provided a month and a half later, which proved incomplete.	- If information is being provided – fees to be intimated to applicant within 7 days. - Information should be provided/ rejected with reasons within 15 days from date of application
No. of applications returned due to filing in wrong department	None	If application is made to a wrong C.A – it is the C.A's duty to forward it to the correct authority and inform the applicant of the same.
Fees charged – process for remittance	No fee was charged, except in one case where the applicant was asked to pay a fee of Rs 100.	Rs 5 per A4 size page; Rs 100 per floppy; Maps, plans etc as fixed by the authority.
No. of Appeals	None	1 st appeal – Designated appellate authority 2 nd appeal – Karnataka Appellate Tribunal
No of appeals heard and disposed off	None	
<p><i>Other Comments:</i></p> <ul style="list-style-type: none"> • Implementation of Suo moto disclosures: Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in the Slum Clearance board informing them of details of the Competent Authority or powers, functions and duties of that office. • Awareness and responsiveness of officers: Applications are being accepted without much trouble, but the applicant is required to engage in vigorous follow up. Awareness levels regarding the law and the procedure involved seem to be rather low. • Relevance of information provided: In some cases the information provided has been incomplete, but on intimation by the applicant complete information was subsequently provided. 		

Karnataka State Pollution Control Board

Two applications were made to the pollution control board, which were initially not accepted. This situation has changed after repeatedly approaching the department. Neither of the applications has been responded to, and the time limit prescribed under the law has lapsed. One of the applicants has appealed to the designated Appellate Authority for information since there has been considerable delay on the part of the Competent Authority.

Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in any of the offices of the KSPCB informing them of details of the Competent Authority or powers, functions and duties of that office.

Bangalore Metropolitan Transport Corporation

Three applications were made to the BMTCL, none of which have been responded to. In one case, however, the application was returned as the concerned official felt that the reason for seeking information was not clearly stated. This application was re-submitted and accepted, but there has been no official response as yet. In all three cases, the statutory time frame has lapsed.

The applicants found that Suo moto disclosures are not being implemented - the volunteers did not find any notice boards in the BMTCL offices informing them of details of the Competent Authority or powers, functions and duties of that office.

Transport Commissioner's Office

Two applications have been made to the Transport Commissioner's office, neither of which has been responded to. The statutory time frame for response has lapsed. The applicants found that Suo moto disclosures are not being implemented - not finding any notice boards in the Transport Commissioners' offices informing them of details of the Competent Authority or powers, functions and duties of that office.

Karnataka Power Transmission Corporation Limited

One application was filed, which the concerned authority forwarded to the Under Secretary of the Energy department, and informed the applicant of the same. The information was provided within 2 months from the date of application - after the Energy department instructed KPTCL to provide the relevant information. It must be stated here that this is the only instance where the concerned authority forwarded an application to the relevant department and intimated the applicant of the same, i.e. strictly according to the provisions laid down in the Act. In many cases, applications have been rejected on the ground that applicant has approached the wrong department - whereas in reality, the law puts the onus on transferring the application to the correct department on the Competent Authority.

KPTCL has also publicised its list of Competent and Appellate Authorities by placing advertisements in various newspapers, thus adhering partially to the Suo moto requirements laid down in the Act.

Public Works Department

One application was made on April 3, 2003 and no response has been received so far. The applicants found that Suo moto disclosures are not being implemented, as the volunteers did not find any notice boards in the PWD office informing them of details of the Competent Authority or powers, functions and duties of that office.

Karnataka Electricity Regulatory Commission

One application was filed on December 10, 2002 and information was provided within a month of payment of fees by postal order.

The applicants found that Suo moto disclosures are not being implemented - there were no notice boards in the KERC informing them of details of the Competent Authority or powers, functions and duties of that office.

The applicants found that Suo moto disclosures are not being implemented – there were no notice boards in the KERC informing them of details of the Competent Authority or powers, functions and duties of that office.

Department of Education

One application was filed in December 2002, asking for a copy of the affidavit filed by the Government of Karnataka regarding the midday meal programme in the Right to Food PIL filed by People's Union for Civil Liberties. No reply has been received so far. The applicant found that Suo moto disclosures are not being implemented, not finding any notice board in the Department of Education informing them of details of the Competent Authority or powers, functions and duties of that office.

Department of legal metrology

One application was made in March asking for information regarding auto rickshaws and shops that had faulty meters. No reply has been received so far. The applicant found that Suo moto disclosures are not being implemented, there being no notice boards in the department of legal metrology informing them of details of the Competent Authority or powers, functions and duties of that office.

Social Welfare Department

Information was sought regarding funds spent on beggar relief and other related matters, for which the department provided detailed information. However, the applicant found that Suo moto disclosures are not being implemented, as he did not find any notice boards in the Social Welfare Department with details of the Competent Authority or powers, functions and duties of that office.

Registrar of Societies

Two applications were made to the Registrar of Societies in March 2003, for which information has still not been provided. The applicant found that Suo moto disclosures are not being implemented, as there were no notice boards in the Registrar of Societies informing him of details of the Competent Authority or powers, functions and duties of that office.

Directorate of Employment and Training

An application was made on March 21, 2003 asking for information regarding the Citizens' Charter of the department, as well as information regarding training programmes and job applications received from unemployed youth. Information was provided 40 days from date of application.

The applicant found that Suo moto disclosures are not being implemented, there not being any notice boards in the Directorate of Employment and Training informing him of details of the Competent Authority or powers, functions and duties of that office.

Lok Ayukta

One application was filed regarding the status of a complaint made by the application against the Karnataka State Pollution Control Board. The Lok Ayukta provided the relevant information within 21 days and no fees were charged.

However, the applicants found that Suo moto disclosures are not being implemented – there were no notice boards in the Lok Ayukta with details of the Competent Authority or powers, functions and duties of that office.

Police

One volunteer tried to submit an application to the Police Department, but was unsuccessful as lack of awareness about KRIA within the department resulted in great unwillingness to accept the application.

implemented, as he did not find any notice boards in the Department of Energy providing details of the Competent Authority or powers, functions and duties of that office.

Food and Civil Supplies

One application was filed with the department, the applicant was informed that the application has been forwarded to the central government, no response has been received since.

Findings and Recommendations

Though the Karnataka Right to Information Act, 2000 has been in force for nearly a year, it would be an understatement to say that the law is being effectively implemented. The Implementation Audit clearly highlights the following issues:

Awareness and Responsiveness

- There is a general lack of awareness on the law among the government officials. Further, there is no clarity on how to go about implementing the law.
- When the 'Implementation Audit' commenced in November 2002, most of the public authorities approached at that time had not appointed their Competent Authorities, and hence refused to accept applications for information. This situation has now considerably improved especially with important bodies like Bangalore Mahanagara Palike and Karnataka State Pollution Control Board more readily accepting applications made under KRIA.

Suo moto disclosures

- Except one public authority, the suo moto disclosure provisions under Section 3(b) of KRIA, which puts an obligation on all public authorities to display the following information on notice boards, outside their offices is not being fulfilled:
 - Particulars of organisation, functions and duties
 - Powers, and duties of officers and employees and procedure followed in decision making
 - Norms for discharge of functions
 - Details of facilities available to citizens for obtaining information.

Delays

- Applicants were required to engage in considerable follow-up in order to access information. In some cases as many as 12 – 14 calls have been made before information was provided.
- With some notable exceptions, in a majority of cases where information has been provided there have been considerable delays. In general, the time frame prescribed by the law is not being adhered to. On an average it has taken one month of regular follow up before information is provided.

Lack of response

- Out of 20 public authorities that were approached in the course of the 'Implementation Audit', 11 have not even responded to applications.

Appeals

- Appeals against delays have not received a response.
- Approaching the Karnataka Appellate Tribunal (KAT) has been daunting for the few applicants that have tried to appeal to the second appeals authority against delays in official response. The KAT has asked for proper representation through legal counsel and presentation of the case in a highly legalistic format. Ordinary citizens find it difficult and expensive to engage in such a complicated and lengthy process.

Recommendations

As the Implementation Audit has shown, the situation is not a happy one. Many steps need to be taken in order to ensure effective implementation of Karnataka's RTI legislation. The following are the recommendations based on the findings of the implementation audit:

Training and system building

- The nodal agency for implementation of KRIA, the Department of Personnel and Administrative Reforms (DPAR), must conduct training sessions on KRIA for all officers in general, and on-going training for Competent and Appellate Authorities in particular.
- DPAR could prepare 'KRIA Implementation Guides' to help government officials understand the law, in addition to providing them a step-by-step run-through on how to properly implement the law.
- All public authorities must appoint sufficient number of Competent and Appellate Authorities.

Identify information needs

- To minimise duplication of applications, public authorities should identify information that is commonly required by the citizen, and make this available voluntarily on its website or in any other form that is easily accessible to citizens.

Suo moto Disclosures

- Public authorities must display/publish the information mentioned in the suo moto disclosure clause – Section 3(b) of KRIA - outside all their offices.
- In order to enable the citizen to identify the documents they are looking for, public authorities should make a list of records maintained by them and display the same on notice boards and websites.

Enforcing time limits - appeals and penalties

- Time limits prescribed under KRIA should be strictly adhered to, and systems need to be put in place to track the implementation of the time limits prescribed under the law. This can effectively minimise consistent follow-up on the part of the applicant.
- Appellate Authorities need to respond to appeals against delays and refusal to provide or providing incomplete information. The law provides for penalties of up to Rs. 2000 to be imposed in case of delays - these penalties should be strictly imposed.

Monitoring implementation

- Public authorities must maintain a separate register of the applications received under KRIA² with details of date of receipt of application, date of fee intimation and the date on which information has been provided. In case of refusal, the date of letter of refusal and reasons for refusal must be noted in the register. This will enable identification of problem areas in implementing KRIA. The system could be made efficient by setting up an online monitoring system.
- A centralised monitoring body at the level of the DPAR to track the implementation of KRIA is essential to identify the problem areas and deal with them effectively.

In conclusion, the stated objective of the law is to '...provide access to information ... which would promote openness, transparency and accountability in administration.....'. Thus, it is clear that the implementation of KRIA is a work in progress. Unless there is a clear and consistent effort to set in place systems to effectively implement KRIA on the part of the government and its various public authorities, the law will remain a paper tiger.

² This is required to be maintained under Rule 4 (2) of the KRIA rules.