

INFOTAP

(Information for Transparency, Accountability and Participation)
[A Bimonthly newsletter on Right to Information Campaign in Karnataka]

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Peoples Representatives fail to produce receipts

The Karnataka Government has a scheme under which each of the MLA and MLCs are eligible for a grant of Rs.50000 for purchase of a computer and Rs.5 lakh for purchase of a motor car. The Rules provides that the MLA/MLCs have to produce relevant receipts and Utilisation Certificate within two months from the date of drawal of the money. Or else it will be recovered from the salary and allowance to be paid to them. CREAT filed an application under RTI Act and sought the following information.

- The list of MLAs and MLCs who have been given the grant along with cheque number and date
- The list of MLAs and MLCs who have submitted the required documents and those who have failed to do so
- The action taken to recover the amount in case of defaulting MLAs and MLCs.

From the information furnished by the Karnataka State Legislature Secretariat and Council Secretariat it is found 147 MLAs and some MLCs have not furnished the documents. In some cases the MLA/MLCs have not furnished documents even after TWO YEARS after drawing the amount. The Secretariat has just sent reminders to the defaulters. But no action has been taken to recover the same.

CREAT wrote an article on the above in the New Indian Express. Zee Kannada TV channel recorded the issue and also took photographs of the documents obtained. A letter was sent to the Hon'ble Speaker to take suitable action. A few days later it was reported in the press that the Speaker has asked the MLA/MLCs to furnish the documents or face recovery.

Forest Department pays Property Tax after RTI application

The Balakedarara Vedike, Sagar Town, Shimoga District is one of the active civil society organization pursuing Right to Information. The Vedike is trained by CREAT-CHRI. The Vedike has used RTI Act to bring benefit to the Sagar Town Municipality. An application was filed on 3.8.2006 with the Forest Department, Sagar, seeking the following information.

Whether the Self Assessment of Property Tax system applicable to Forest Department? Furnish the details of buildings owned by Forest Department. Whether property tax has been paid to the Municipality? If not furnish the reasons. What is the action taken against the official for not paying the tax?

Within 20 days of submitting the application the Forest Department has given a reply stating that Property Tax system is applicable to the buildings under the control of Forest Department. It has also stated that property tax of Rs. 158000 was pending since 2001. Property tax of Rs.133000 has been made by way of cheque No.985003 dated 8.9.2006.

What the Forest Department could not do in FIVE years, RTI has done it in twenty days. The Sagar Municipality should thank the Consumer Forum for its efforts.

CREAT invited by Public Health Institute

CREAT was invited by the Public Health Institute (PHI), Bangalore, to assist them in finalizing replies to an application filed under the RTI Act. Mr.Y.G.Muralidharan met Dr.Srinivas Gowda, Deputy Director, PHI on 2nd February 2007 and clarified their doubts. Dr.Srinivas Gowda invited Mr.Muralidharan to make a presentation on RTI for their officers and staff.

RTI training for Staff of Government Colleges

The Directorate of Collegiate Education, Government of Karnataka, Bangalore, has started a training program on RTI for the staff of Government Colleges. The Directorate has invited CREAT to be their resource person. The training is for a period of six months from January 2007. It is proposed to cover all the staff of all Government Colleges in Karnataka.

INTEGRITY INDEX

You might have heard of Corruption Index. But Mr.M.N.Vijaykumar, a senior IAS Officer in Karnataka has developed 11 questions which indicate the extent of integrity of the staff. He has circulated the list of questions to his staff and asked them to rate their colleagues. The employees have to indicate a number in the scale of 0 to 10. Though the names are kept confidential, the concerned head of the office will be able to infer the integrity of his staff. Here are the eleven questions.

10	Extremely good tries to be honest inspite of personal risk
8	Very good stops pursuing, if he feels there is risk to himself
6	Good openly comments about bad things, even though does not pursue and does not bother about the perpetuation of bad things
4	OK. Honest to himself, but tells others only if extremely bad things happen
2	Just OK. Honest to himself, but never tells anything
0	Nil integrity. Keeps quite and switches between good and bad depending on the head of the office
-2	Just bad. Secretively does bad things because of extreme personal reasons
-4	Bad. Secretively does bad things, but stops when repeatedly pointed out
-6	Very bad. Continuous to do bad things even if it is pointed out
-8	Very very bad. Stops being bad only if he knows that it is going to hurt somebody
-10	Extremely bad. Continues to be bad even it if is physically harming others

Can Bio-data forms be accessed?

Several Public Authorities invite applications from the public for the purposes of appointment/employment. Prospective candidates submit application forms containing their bio-data. It may also contain medical reports of the candidates. Can a citizen ask for copies of the bio-data and medical reports by using the Right to Information Act 2005?

This important question came up before the Central Information Commission (CIC) in April 2006. One Mr.Bhagwan Chand Saxena asked for copies of the bio-data submitted by four candidates at the time of their appointment as Assistant Directors and also copies of their medical reports submitted by the medical authorities declaring these candidates as fit/unfit.

The CIC has held that bio-data is a public document and needs to be furnished to the applicant under RTI Act. It has observed that when a candidate submits his application for appointment to a post under a Public Authority, the same becomes a public document and he cannot object to the disclosure on the ground of invasion of privacy.

However the CIC has declined to provide medical records. It ha said that medical records are purely personal to the individual and furnishing of the copies would amount to invasion of privacy of the individuals and need not be furnished. However the Public Information Officer was directed to disclose the information whether all the four candidates has been declared medically fit or not.

(ICPB/A-9/CIC/2006-3.4.2006)

Karnataka RTI Rules Amended

The Karnataka Right to Information Rules 2005 has been amended. The Notification issued by the Government is reproduced below.

GOVERNMENT OF KARNATAKA

No.DPAR 11 RTI 2006

Karnataka Government Secretariat
5th Phase, 2nd Floor, M.S.Building
Bangalore 560001
Dated: 26.12.2006

NOTIFICATION

In exercise of the powers conferred by sub-section 1 of section 27 of the Right to Information Act 2005 (Central Act No.22 of 2005) the Government of Karnataka hereby makes the following rules further to amend the Karnataka Right to Information Rules, 2005 namely;

1. Title and commencement:-

- (1) These rules may be called the Karnataka Right to Information (Second Amendment) Rules, 2006
- (2) They shall come into force from the date of their publication in the Official Gazette

2.Amendment of Rule 4:- In the Karnataka Right to Information rules, 2005, in rule 4, in sub-rule

- (2)(i) after clause (a) the following shall be inserted, namely:-

(aa) for providing information disseminated under the Sub-section

- (4) of Section 4 shall be **rupee one per page** in respect of matter in A4 size.

(ii) in clause © for the words and figures ' or fraction thereof Rs.20/- the words ' or fraction thereof rupees ten' shall be substituted.

By Order and in the name of the Governor of Karnataka
Sd/-(B.Shivarudra Swamy)
Desk Officer
DPAR (AR-Right to Information)

Activities of CREAT

Several Public Authorities and Civil Society Organisations have been inviting CREAT as resource team for training on RTI. During January and February 2007 CREAT made presentations and provided training at the following programs

Training for Sectional Heads of Karnataka Secretariat organized by the Secretariat Training Institute, Bangalore (8th January 2007)

Refresher Course on RTI for KAS Officers (10th January 2007) organized by Indian Institute of Public Administration, Karnataka Branch

Training for Principals/Lecturers of Government Colleges (11th and 23rd January 2007, 6th, 22nd & 28th February 2007) organized by Directorate of Collegiate Education, Bangalore.

Training for the staff of Karnataka Milk Diary (3rd February 2007)

Lecture on RTI for Small Scale Entrepreneurs organized by Karnataka Association of Small Scale Industries (5th February 2007)

Training for Public Information Officers of Bangalore Urban and Rural Revenue Officers organized by Regional Commissioner, Bangalore (19th February 2007)

Speech on RTI for the members of Rotary Bangalore, Vijayanagar (21st February 2007)

Training on RTI Act for PIOs of Seven Taluks of Bangalore Rural District, organized by the Office of DC, Rural on 24th February 2007)

Workshop on RTI Act organized by JSS Law College, Mysore (26th February 2007)

Interactive Meeting with DPAR

The Department of Personnel and Administrative Reforms (DPAR) had organized a public interactive meeting on 20th January 2007 to discuss various issues related to RTI. Ms. Shammem Banu, Principal Secretary and Mr. Shivarudraswamy, Desk Officer, RTI presided over the meeting. CREAT participated in the meeting. The following were some of the suggestions that emerged in the meeting.

DPAR was requested to publish a comprehensive list of Public Information Officers, Assistant Public Information Officers and Appellate Authorities and also a booklet on RTI for use by Citizens.

Participants said that many of the public authorities are not responding to RTI applications sent through emails. Certain departments are still following the KRIA. It was brought to the notice of the DPAR that PIOs are signing the documents released under RTI in their official designation and not as PIO.

One of the serious issues raised was that RTI activists/applicants are being threatened and manhandled by the officials, contractors and those related to the information sought. Participants urged DPAR to look into this serious issue and take suitable action to protect the RTI applicants.

Workshop on RTI at Mysore

The JSS Law College, Mysore in collaboration with CREAT had organized a two day workshop on RTI Act, Service Laws and Law relating to Sexual Exploitation at Workplace on 25 & 26th February 2007. The workshop was held at JSS Law College conference hall. The workshop was inaugurated by Shri. K.K. Misra, Chief Information Commissioner, KIC, Bangalore. Mr. Thippeswamy, Information Commissioner, KIC, Dr. Vijaykumar, Registrar, NLSIU and Mr. Y.G. Muralidharan, CREAT made presentations on RTI.

Documents added to RTI hub

The following documents/literature has been added to the RTI hub.

- List of PIOs etc. of Directorate of Collegiate Education
- List of PIOs etc. of the University of Agricultural Sciences
- Statistics relating to RTI applications of BMP RTI Cell
- Circular reducing the fee from Rs.2 to Re.1 issued by DPAR
- Letter advising officials not to follow Karnataka Right to Information Act issued by DPAR
- Advocacy and Citizen Participation: a tool kit from Just Associates
- Pushing for Positive Change in Government: Paper by Center for Good Governance, Hyderabad
- Ushering in Transparency for Good Governance: Paper by Center for Good Governance, Hyderabad
- The Role of Civil Society Organizations in Auditing and Public Finance Management: Paper from the International Budget Project
- Duty to Publish Index: A report Card from Center for Civil Society, New Delhi
- The RTI and implications for the Police: CHRI

RTI Forum at Mysore

CREAT, CHRI and National Law School of India University, had organized a two day workshop on at Bangalore on 15th and 16th December 2006. One of the Action Plan suggested in the workshop was to constitute a District Level RTI Forum consisting of public citizens, RTI activists, journalists and other stakeholders. We are glad to inform that the participants from Mysore have formed the Mysore District RTI Forum. The forum was inaugurated on 30th December 2006. Those interested in joining the forum may contact:

Mrs. Savitha Ranganath
1669/2, 7th Cross, Kosakeri,
K.R. Mohalla, Mysore- 570004
Tel: 0821 2520651

RTI Case Studies

Ever since the RTI Act came into force several citizens and civil society organizations are using the Act and obtaining information. It is essential that the difficulties and experience of the RTIA users be documented and also the information shared in order to strengthen the RTI movement. Besides, the case studies can be an advocacy tool to bring about changes in the RTIA. Keeping this in view INFOTAP will publish case studies. Readers are requested to share their experiences. Case studies that are selected will be edited for sake of clarity and space constraints. If you have a case study, please do send us,



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239, 5th 'C' Main, Remco Layout, Vijayanagar, Bangalore-560 040. Tel: 080-23357280.

Email: creatorg@sify.com, Website : www.creatindia.org

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