

INFOTAP

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

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KARNATAKA INFORMATION COMMISSION MAKES A GOOD START

It appears that the Right to Information Act (RTIA) 2005 has made a good start in Karnataka. Apart from several citizens' groups taking the initiative by way of filing applications under the Act, the Karnataka Information Commission (KIC) has set a precedent by given a pro-public decision. It has directed none other than the Deputy Registrar of the Karnataka High Court to furnish information. Besides it has also asked all the Public Authorities to frame regulations for collecting fees to furnish documents under Section 4 (4) of the RTIA. First about the provisions in the RTIA.

The RTIA provides two methods of accessing information. Section 4 (1) (b) requires all Public Authorities to publish certain information voluntarily. The information to be declared is comprehensive and covers almost every aspect of the organization concerned. Right from its functions, organization structure, budget allocation, names and duties of staff up to facilities available for people to access information is to be declared.

The Act categorizes the information to be disclosed into 18 different heads. Further the Act says that voluntary disclosure should be updated and more information to be added so that citizens have little need to use the RTIA. The other method of accessing information from Public Authorities under Section 7 of the RTIA is by way of applying in the prescribed form (though not in the same format) and paying the required fee. Public Information Officers of the concerned Public Authorities are supposed to furnish information within 30 days, subject to certain conditions.

Some of the provisions of the RTIA, including the requirement of the Public Authorities to publish information voluntarily came into effect in June 2005 as soon as it got the assent of the President. They were given 120 days (which expired on 12th October 2005) to make this self declaration. However given the lethargy of the bureaucracy, except a handful of Public Authorities, this deadline was not adhered to. A large number of Public Authorities are yet to publish the information as required under the RTIA.

Mr.S.Anand, who heads the Anti Corruption Forum and is also working with KRIA KATTE (a coalition of citizens' groups) requested the Public Information Officer (PIO) of the Karnataka High Court to furnish a copy of the voluntary disclosure made under the RTIA. The PIO took 18 days to inform Anand that he has to pay the Application fee as required under the RTIA. This was challenged in the KIC.

The Rules made by the Hon'ble High Court of Karnataka with regard to RTIA vide Notification No.HCE/715/05 dated 14.10.2005 provide for payment of a fee for providing information under Section 7 only. No fee has been prescribed for voluntary disclosure of information under Section 4 of RTIA. As such the PIO of the High Court should have furnished a copy of the voluntary disclosure free of cost or the print cost or the fee as prescribed by the PIO. Mr.Anand argued that an application for seeking copies of voluntary disclosure made under Section 4(1) (b) is not an application for information under Section 7(1) of the RTIA.

Deciding in favor of the Applicant, the KIC has taken a right decision and has observed that in the absence of specific fee in the Rules, the PIO of High Court cannot charge any amount to furnish copies of document containing voluntary declaration. Further it has directed all Public Authorities to fix separate fees for providing copies of voluntary disclosure of information under Section 4 (4) of the RTIA.

The KIC has also said that if the information is available in electronic format, the same could be made available by the PIO to the applicants free of cost through email. In case hard copies are desired the document has to be photo copied and cost alone should be charged from the applicant subject to Re.1 per page of A-4 or A-3 size paper. More important, the KIC has directed all PIOs to frame Rules for prescribing suitable fees for providing information under Section 4(4) of the RTIA..

(The above article written by Shri.Y.G.Muralidharan first appeared in The New Indian Express)

The Karnataka Right to Information Act repealed.

In the wake of the central RTIA coming into force the four year old Karnataka Right to Information Act (KRIA) has been repealed. The Governor of Karnataka has promulgated an ordinance to this effect. The Notification No.DPAL/62/Shasana/2005, dated 17th October 2005 says that the Karnataka Right to Information Act, 2000 (Karnataka Act 28 of 2000) has been repealed, provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 shall be applicable in respect of the repeal of the said enactment.

Prime Minister orders changes in Information Act

The Prime Minister has instructed the Department of Personnel and Training, Government of India, to exempt file notings on individuals, organisations, appointments, matters relating to inquiries and departmental proceedings from the purview of RTI Act. and to make appropriate changes to the RTI rules with a distinction between notings which cannot be revealed and which can be disclosed .

Notings that can be disclosed include those on plans, schemes, programs and projects of the government related to development and social issues except those protected by the exemption clauses in Section 8. However, the Principal Information Officer appointed under the act may withhold the individual identity of the functionary who has made the file notings. The department has been asked to incorporate these changes to the rules in consultation with the Ministry of Law and Justice. This categorization is necessary based on the suggestions made by the concerned citizens and taking into account all relevant factors.

However, this move by the PM is strongly criticized by National Campaign for People's Right to Information which said that this change needs an amendment to the RTI Act and cannot be done on PM's instructions. Moreover, subjects fall between these 2 categories will become a question mark.

CESC designates PIO and APIO under RTIA

The Chamundeshwari Electricity Supply Corporation, Mysore, has nominated General Manager (A & HRD) as PIO in the Corporate Office. The Superintending Engineer(Electrical) in all Circle Offices will be the PIO and in case of O & M Division Offices, the Executive Engineers will be the PIO. In case of O & M Sub-Division offices the Assistant Executive Engineer (Electrical) is nominated as the APIO

Government Flayed on File Notings.

A fresh controversy has arisen with some of the Public Authorities denying access to 'file notings' under the RTIA. The Prime Minister Manmohan Singh had instructed the Department of Personal and Training (DoPT) to exempt file notings on identifiable individuals, organisations, appointments, and matters relating to inquiries and departmental proceedings from the purview of the RTI Act. However, the government had said that "substantive file notings" relating to plans, schemes, programmes and projects of the government related to development and social issues could be disclosed

The Central Information Commissioner O.P. Kejariwal has written to the Prime Minister calling the decision the "last desperate attempt on the part of some vested interests within the government to protect their identities from being exposed."

In his letter the Chief Information Commission has said that the first blow to the Act, came when the Government's Right to Information website (<http://righttoinformation.gov.in>) indicated that file notings are exempted from the information a citizen could seek from any government set-up. Pointing out that the Act had no such limiting factor, Mr. Kejariwal has written that there is no reason for a conscientious government servant to have any reservation about his name being disclosed for any note that he had put on file in the course of performing his duties.

On a different note the National Campaign for People's Right to Information has condemned the government's effort to restrict the scope of the RTI Act stating that restricting access to various types of file notings will encourage unscrupulous government functionaries to continue dispensing patronage and exercising arbitrary power.

Right to withhold info ?

While the Central Government is trying its best to provide people free access to information, some of the departments in the Government are trying to do away with established procedures for giving information to the public. Recently the Ministry of External Affairs (MEA) has cancelled its daily press briefing, although it has a full-time external affairs spokesman. Even accredited journalists on the MEA beat are expected to disclose in advance the officer they want to meet and the purpose of the meeting.

(Source : The Business Standard)

PSUs demand exemption from Right to Information Act

Even before the Right to Information Act (RTIA) is to be implemented in full, the Public Sector Undertakings (PSUs), including Banks have asked the Government to exclude them from the purview of the RTIA. The PSUs have said that exclusion of the private sector banks have put the PSUs in a disadvantage position. They have expressed the fear that public sector banks may even lose a large number of depositors to the private sector banks. They have argued that Customers and other depositors would naturally prefer the private sector banks to the public sector ones as their account and other details would be well secured with the latter. The Indian Banks Association is seriously considering taking legal recourse to sort out the issue

RTI and IAS

Though it is not mandatory under RTIA, the Government at the Centre and in the States has chosen IAS officers to head the Information Commission. Here is the list of IAS officers occupying the coveted post.

IAS Monopoly Under RTI Act Chief Information Commissioners; All IAS officers

Centre Wajahat Habibullah

STATE NAME

| | |
|----------------|-----------------|
| Punjab | Rajan Kashyap |
| Andhra Pradesh | CD Arha |
| Maharashtra | Suresh Joshi |
| Uttaranchal | RS Tolia |
| Haryana | G Madhavan |
| Gujrat | PK Das |
| Karnataka | KK Mishra |
| Orissa | DN Padhi |
| Kerala | Palatt Mohandas |
| Madhya Pradesh | TN Shrivastava |
| Meghalaya | GP Wallang |

PIL on assets dismissed

Is it illegal or mischievous to know the details of the assets of the Chief Justice or Judges of the High Court? That is what the Hon'ble High Court of Karnataka says. In a judgment of far reaching consequences, particularly in the context of RTIA coming into force, the High Court has dismissed a Public Interest Litigation (PIL) seeking the details of assets of the persons in the Judiciary.

Mr. S. Ananda, who is the Coordinator of Anti-corruption Forum of Bangalore sought certified copies of the assets and liabilities of two Chief Justices and one Judge. But the High Court has dismissed the petition saying that it is 'mischievous', Further it has slapped a fine of Rs.10000 to the petitioner. Mr.Anand is contemplating to approach the Supreme Court.

PIO and APIO named for Thirumala Tirupati Devasthanams

Even the abode of Lord Venkateshwara is not free from RTI. The Thirumala Tirupati Devasthanam Trust, one of the richest in the world has nominated Ms.Anita S.Akella (Chief Public Information Officer) as PIO and Mr.B.Munaswamy Chetty (Assistant Public Information Officer) as APIO. Their telephone numbers are 0877 2230929 and 2254134 respectively

TRAI nominates PIO

The Telecom Regulatory Authority of India (TRAI) has nominated Shri.Mathew Palamattam, (Deputy Advisor) as the PIO under the RTIA. The details are as follows:

Shri Mathew Palamattam

Deputy Advisor & Central Public Information Officer
Telecom Regulatory Authority of India
A-2/14, Safdarjung Enclave, New Delhi 110 029
Ph: 011-26101669, Fax: 011-26103294
e-mail:traid@del2.vsnl.in

Spices Board implementing RTI Act.

The Spices Board has implemented the RTIA by designating its Deputy Director Mr.Charles.J.Kithu, as the Public Information Officer at its headquarters in Kochi. Mrs.K.Lekshmikutty, Deputy Director, is the Assistant Public Information Officer and Mr.K.P.Somasekharan, Director (Finance), has been designated the Appellate Authority.

Case Study

Effective use of RTI in Maharashtra

Among the states where RTIA was in force, Maharashtra stands first in terms of using it by the citizens. A large number of RTI activists have been filing applications and disseminating information to the public. They have also used the mainstream media for this purpose. In a recent case use of RTI has brought to light some of the irregularities in the implementation of the Employment Guarantee Scheme (EGS).

Mr. Shivaji Raut, a representative of the National Campaign for People's Right to Information (NCPRI) applied for information under the Maharashtra RTI Act and sought details of muster rolls, measurement books and other registers for the EGS in three villages. When the required information was not forthcoming within the stipulated 15 days time, Mr. Shivaji Raut approached the Appellate Authority, who passed order directing the public Information officer to provide the copies sought by Mr. Raut.

On verification, Mr. Raut found irregularities in the muster rolls of one village. In the other village, his efforts to verify the muster rolls became futile due to local people's non-cooperation. In another village he was prevented to read the muster rolls by the former sarpanch and a contractor who appealed to him to withdraw the programme, saying that the people were not interested.

Mr. Raut found that certain muster rolls were missing. He again filed a complaint to the Collector stating that 7 muster rolls were not given to him. He demanded action against the Information Officer for not giving him the required documents. The Sub-Divisional Agriculture Officer imposed a fine of Rs.2,000/- on the PIO for providing incomplete information under the MRTI. An inquiry has also been ordered into the seven muster rolls, which are suspected to be bogus.

It seems that even though the RTI Act is implemented, it is not very easy for a common man to get the required information.

RTI Activities of CREAT

The all India Radio, Bangalore, had invited Mr. Y.G. Muralidharan to participate in a discussion on "Right to Information" on 9th November 2005. The program was broadcast on 29th November 2005

The Social Amenities Association, Indiranagar, Bangalore, had organized a presentation on Right to Information Act, 2005, on 12th November 2005. Mr. Y.G. Muralidharan made a presentation on RTI Act and how it can be used by Resident Welfare Associations.

The Mysore District Journalists Association, had organized workshop on RTI Act 2005 for journalists on 18th November 2005, at their premises in Mysore, Mr. Y.G. Muralidharan made two presentations. The first was on RTI Act, 2005 and the second was on the Role of media in RTI. Ms. Prema, Ms. Padma Rekha and Ms. Hemalatha from CREAT participated in the workshop.

The Administrative Training Institute, Mysore had invited CREAT - CHRI to make a presentation on RTI - Civil Society Perspectives on 18th November 2005. Mr. Y.G. Muralidharan made the presentation in which over 50 senior officials from Government of Karnataka participated.

On 19th November 2005 the Hindustan Machine Tools Ltd., had organized a discussion on RTI Act, 2005 for its public Information Officers and Assistant Public Information Officers. Mr. Y.G. Muralidharan delivered a

lecture on RTI Act and answered a host of questions raised by the participants. The program was organized at the Corporate Office of HMT, Bangalore. The chairman and Managing Director, HMT was present.

The other RTI events are as follows :

CREAT-CHRI in collaboration with the Karnataka Media Academy, Government of Karnataka, had organized a workshop on RTIA, Bangalore on 22nd December 2005 at the Academy's Conference Hall. Mr. Y.G. Muralidharan made the presentation and Sri V.N. Subbarao, President of the Academy presided. Over 35 journalists and media persons were present.

Training workshop for Gram Panchayat workers on RTI organised by Samaja Parivartana Samudaya, Dharwad, held at Workers Centre, Bangalore on 25th November 2005.

Speech on RTI at Surana Post Graduate Centre, Kengeri Satellite Town, Bangalore on 2nd December 2005

State Level convention on RTI organized by CREAT-CHRI on 25th December 2005, at Hotel Vijay Residency, Bangalore. 50 participants from all over the state participated in the event. Four leaflets in Kannada on RTI and you were released by Shri S. Ramathan, Chairman, Indian Institute of Public Administration, Karnataka, Regional, Branch on this occasion.



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