



**Consumer Rights, Education and Awareness Trust (CREAT), Bangalore  
Commonwealth Human Rights Initiative, New Delhi**

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**REPORT ON THE STATUS OF IMPLEMENTATION OF  
THE RIGHT TO INFORMATION ACT 2005, IN KARNATAKA**

**Introduction**

On June 21<sup>st</sup> 2005, the Government of India enacted the Right to Information (RTI) Act 2005. It came fully into effect on 12<sup>th</sup> October 2005 (on the 120<sup>th</sup> day after its enactment). It is a historic event in the annals of democracy in India. For the RTI Act is one of the most significant legislation enacted by the Parliament of India. The RTI Act enables the establishment of an unprecedented regime of right to information for the citizens of the country. The RTI Act seeks to establish that **'transparency is the norm and secrecy is an exception'** in the working of every public authority. It aims to ensure maximum openness and transparency in the machinery and functioning of Government at all levels: Central, State and Local.

The RTI Act mandates a legal-institutional framework for setting out the practical regime of right to information for every citizen to secure access to information under the control of the public authorities. Under the RTI Act it is mandatory for public authorities to disclose certain information to citizens. In other words even if a citizen doesn't ask for information, it has to be disclosed. The RTI Act prescribes 17 types of Manuals for this purpose.

The RTI Act prescribes designation of Public Information Officer (PIOs) and Assistant Public Information Officers (APIOs) in all public authorities to deal with the requests from citizens for information. Further it also provides that these requests are to be attended to within prescribed time limits. The RTI Act also provides for designation/nomination of Appellate Officers who are senior in rank to PIOs. It also mandates the constitution of a Central Information Commission (CIC) and State Information Commission (SIC) to inquire into complaints, hear second appeals, levy penalty, advise disciplinary action against the PIOs (found to be guilty of violating the RTI Act) and guide implementation of the RTI Act.

Ever since the RTI Act has come into effect, it has had a tremendous effect on the public. Thousands of citizens have started using the Act for their own benefit and for the welfare of the society. A number of public spirited citizens have formed informal groups, created online discussion forums, opened websites and blogs to help promote the culture of openness and wider use of the RTI Act. In the last two years the country has witnessed the emergence of many RTI Activists. Besides, the concept of right to information has caught the attention of



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computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. Section 4 (1) (b) requires all the PAs to publish within 120 days from the enactment of the RTI Act Sixteen types of Manuals which is often referred to as pro-active disclosure. Besides, the PAs are required to take all steps necessary to disseminate the details of the public information officers. These are some of the basic elements for implementing the RTI Act.

Keeping this in view CREAT embarked upon to conduct a study of the PAs, to ascertain the following:

- *Whether the PAs have complied with the requirements of Section 4 (1) (a) of RTI Act*
- *Whether the PAs have complied with (1) (b) of the RTI Act*
- *Whether the PAs have designated/nominated the Officials as required under the RTI Act*
- *Whether steps have been taken to disseminate the information to the public*

### **Preparatory Phase**

#### **Training**

The first step in organizing the study was to identify and train representatives of civil society organizations who would be willing to participate in this exercise. As said earlier, CREAT has already formed a network of civil society organizations working on issues like women welfare, rural development, human rights, health, education, consumer protection, urban/civic issues etc. A list of 45-50 representatives was drawn up and their willingness to take up the study was obtained.

#### **RTI survey kit & Draft Questionnaire**

The second step was preparing a RTI survey kit and draft questionnaire (In Kannada and English) to be used for the study. The survey kit contained the following:

- *A copy of the RTI Act (highlighting Section 4(1)(a) and 4(1)(b)*
- *Draft questionnaire*
- *Guidelines for conducting the study*
- *List of probable public authorities*
- *Draft letters requesting the public authorities to furnish information*
- *Guidelines for documenting the information*
- *Template for Section 4 (1)(b) to be used by Public Authorities*

A copy of the questionnaire (in Kannada and English) and the RTI Survey Kit is attached as **Annex 1**.

### Training and capacity building workshop

The third step was organizing a training and capacity building workshop (14<sup>th</sup> August 2007) at Bangalore. The following issues were discussed in the workshop:

- *Provisions of Section 4 (1)(a) and (b) of the RTI Act*
- *Draft questionnaire*
- *The public authorities to be covered in the study*
- *The regions to be covered*
- *The time/duration for the study*
- *Other issues*

The draft questionnaire was redrafted and modified after obtaining inputs from the participants.

### **Implementation Phase**

The implementation Phase consisted of the surveyors identifying the PAs, visiting / meeting the PAs, discussing the study and obtaining information. In some cases the surveyors had to file applications under the RTI Act to obtain the basic information / documents.

### **Areas covered**

It is essential that a study of this nature should cover the entire state so that inference could be drawn and a comprehensive set of recommendations and suggestions can be made. However CREAT-CHRI thought it appropriate to conduct a pilot study and replicate it in other parts of the state. Hence the study was restricted to a few places. Yet while selecting the places it was ensured that the study covers reasonably the urban and rural areas and fairly important cities, towns, talukas and villages of Karnataka.

The locations included in the study were: Gulbarga, Mangalore, Magadi, Kanakapura, Chintamani, Belugam, Khanapura, Shimoga, Sagar, Chickmagalur, N.R.Pura, Balehonnur, Haveri, Hospet, Ranebennur, Tumkur and Bijapur.

### **When was the study conducted?**

The study commenced during September 2007 and was completed in November 2007.

### **Study/Survey findings**

#### Complying with Section 4 (1) (a) of the RTI Act

The first information sought from the PAs was whether it has complied with the requirements of Section 4 (1) (a) of the RTI Act. Out of 254 PAs studied only 67

of them had taken steps to maintain all records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act. However this could not be substantiated. None of the PAs were able to show or provide the details in written form. Many PAs orally said that this requirement is being complied with. Location wise details are given below

**Table – 1**

Location	No. of Public Authorities visited / suited	No. of Public Authorities which have complied with Section 4 (1) (a) of the RTI Act
Chickmagalur	37	5
Narasimharajapura	3	1
Chintamani (Kolar)	6	0
Mangalore	13	5
Haveri	4	3
Gulbarga	11	0
Hospet	8	1
Shimoga	12	10
Belguam	79	16
Khanapur	11	11
Ranebennur	21	0
Bijapur (Chadachana)	8	0
Tumkur	3	3
Sagar	16	0
Magadi	11	7
Kanakapura	11	5
<b>Total</b>	<b>254</b>	<b>67</b>

Complying with Section 4 (1) (b) of the RTI Act

The RTI Act requires every PA to pro-actively disclose certain information and update the same periodically. This is one of the most important requirements of the Act and if this is complied with, a large number of applications can be avoided. The 17 manuals required to be prepared under this Section covers a wide range of information normally needed by the citizens.

Out of 254 PAs covered in the study only 60 PAs had prepared this document. Even after two years of the Act coming into force a large number of PAs have little or no knowledge of the requirements of Section 4 (1) (b). Except in the Office of the Deputy Commissioners, autonomous institutions and Urban Local Bodies this document has not been prepared. Even in PAs where it is prepared, it is either incomplete or not according to the requirements of the Act. Some of the PAs have repeated those manuals prepared by other PAs. Only a handful of PAs have their own websites. cursory look at the website reveal that it does not contain anything about right to information except link to Government of

The RTI Act requires the PAs to give wide publicity to the citizens' right to information. They are supposed to make public the names, designation and telephone number of the PIO, APIO and AA. The representatives who conducted the study visited the PAs and checked whether the details of the PIO/APIO/AA has been exhibited on the notice boards or painted in a conspicuous place. It was found that only in 98 PAs the details were either put on the notice board or painted on the walls. It was also observed that the paper size of the notification was very small and many other notifications were affixed on the RTI notification. As a result citizens had no access to this vital information. The surveyors feel that this is done purposely to keep the information away from citizens.

**Table – 3**

Location	No. of Public Authorities visited / suited	No. of Public Authorities where PIO/APIO/AA has been nominated	No. of Public Authorities which have exhibited the details of PIO/APIO/AA
Chickmagalur	37	22	18
Narasimharajapura	3	2	1
Chintamani (Kolar)	6	6	4
Mangalore	13	6	1
Haveri	4	4	4
Gulbarga	11	11	6
Hospet	8	8	8
Shimoga	12	12	12
Belguam	79	19	17
Khanapur	11	11	6
Ranebennur	21	9	9
Bijapur (Chadachana)	8	0	0
Tumkur	3	3	3
Sagar	16	15	1
Magadi	11	7	4
Kanakapura	11	8	4
<b>Total</b>	<b>254</b>	<b>143</b>	<b>98</b>

**Information about RTI applications**

The PAs were also asked to furnish whether separate counters have been established to deal with RTI applications and any specific timing has been prescribed for receiving/disposing RTI applications. None of the 254 PAs have created separate counters or facilities for dealing with RTI applications, nor specific timings prescribed. Considering the number of applications received in the 254 PAs, there is no justification for such special counters.

India RTI portal. The details of PAs who have complied with this requirement are given below.

**Table – 2**

Location	No. of Public Authorities visited / suited	No. of Public Authorities which have complied with Section 4 (1) (b) of the RTI Act
Chickmagalur	37	11
Narasimharajapura	3	1
Chintamani (Kolar)	6	1
Mangalore	13	6
Haveri	4	1
Gulbarga	11	4
Hospet	8	1
Shimoga	12	12
Belguam	79	11
Khanapur	11	4
Ranebennur	21	0
Bijapur (Chadachana)	8	0
Tumkur	3	3
Sagar	16	0
Magadi	11	3
Kanakapura	11	2
<b>Total</b>	<b>254</b>	<b>60</b>

Designation/Nomination of AA/PIO/APIO

The RTI Act requires the PAs to designate or nominate sufficient number of Public Information Officers (PIOs), Assistant Public Information Officers (APIOs) and an Appellate Authority (AA) in each of the PAs. The process of designation or nomination starts with the Secretariat of the Department issuing a circular/notice specifying the PIO/APIO and AA, usually by designation. The concerned department/institution at the lower levels has to issue a circular or notice nominating/designating the APIO/PIO and AA applicable to that particular PA in that region/district/taluk/hobli/village.

It is observed that the all the Secretariats/departments of the Government of Karnataka have issued the circulars/notifications specifying (by post held) who is to be designated or nominated at PIO/APIO/AA. However the study has found that down the line many PAs have either not issued necessary circulars or the officials are not aware of such a circular. The PAs were asked whether the PIO/APIO/AA has been nominated and if yes a copy of the circular or notification may be furnished. The study has revealed that in 143 PAs relevant circulars have been issued and 111 PAs said that they are not aware of such a circular or notification.

### **Awareness about RTI Act among officials**

Though it was not the intention of the study to assess the awareness about RTI Act among the officials, few questions about the training attended, modules prepared etc. were asked. It is disappointing to note that a majority of the officials and staff are not exposed to the RTI Act. Only a handful of them have attended the training programs organized by Administrative Training Institute, Mysore. Few lower level officials have attended a one hour lecture on RTI Act at the District Training Centers of Government of Karnataka. None of the PAs have prepared any training modules or given instructions about the procedure to be followed in dealing with RTI applications.

The Department of Personnel and Administrative Reforms, which is the nodal agency for implementing the RTI Act has issued several circulars, Rules and notifications about RTI Act. But the study reveals that the contents of these documents have not reached the officials or staff. Some of the Head Quarters Assistants (HQA), who are designated as PIO for the DC's Office are ignorant about the intricacies of the RTI Act. For instance one HQA wanted Rs.2 per page to be remitted to provide a copy of the suo moto declaration as against Re.1 per page as per the Rules issued by the Government of Karnataka.

RTI Act does not require the Application to be in a particular format. But one HQA refused the application, since it was not in the format prescribed by the Government. Most of the PA's are yet to come out of the hangover of the Karnataka Right to Information Act, (KRIA) which is repealed after the Central Act come into force. Many of the boards put up on the PA's carry the provisions of the KRIA. Applicants were asked to pay Rs.5 per page for accessing information as against Rs.2 per page under the RTI Act.

### **The other side of RTI Act**

The study has revealed the other side of the RTI Act as well. Applicants misusing and harassing the PIOs has come to light. Applicants collecting money from the PIOs and withdrawing the applications is also reported. Only a set of citizens are using the RTI Act. PIOs are fed up due to the number of questions and types of information sought by the applicants. PIOs feel that majority of the applicants are collecting information without any purpose. Non-availability of records and documents is a major difficulty of the PIOs. Some PIOs felt that the time limit of 30 days is too short for unearthing old records/information.

### **Recommendations and Suggestions**

Based on the findings of the study the following are recommended:

The State Government should start a massive campaign to educate all the employees about the RTI Act. The training and education should not be restricted to PIOs, APIOs or AAs but for the whole staff.

At present the Administrative Training Institute at Mysore, and the District Training Centers are in charge of training the staff. Considering the number of other courses/subjects handled by these institutes, it is essential that the training is outsourced. The services of professional institutes and Non-Governmental Organisations involved in RTI should be utilized.

There is an urgent need to prepare quality guides and training modules in Kannada. It is observed that the officials are provided with a copy of the bare RTI Act. In some of the Offices the guides, pamphlets, power point presentations, posters etc prepared by CREAT and CHRI are used extensively. In addition the Government has to prepare guidance notes on every section of the Act. These materials should be made available to every PA.

Only a few PIOs have access to the internet. As a result they are unable to keep themselves updated about the developments in RTI jurisprudence. The Central Information Commission and the various State Information Commissions are giving important decisions which need to be disseminated. Hence the PIOs are to be provided with internet access.

In the absence of proper classification of records and documents and necessary instructions from the Government the PIOs are finding it difficult to respond to the applications.

The First Appellate mechanism is not functioning effectively. As a result applicants are approaching the Information Commission. It is suggested that the departmental appellate mechanism is strengthened.

Exhibiting the details of the PIO/APIO and AA in the notice boards of PAs needs to be taken up immediately. This exercise requires a few hours and with little financial burden on the PAs.

The Government should compile a directory of PIO/APIO and AA at the District Level and give wide publicity to the same. It should be published in widely read newspapers at least twice in a year. It should also be made available in printed and electronic form in the Office of the Deputy Commissioner

The Deputy Commissioner should hold monthly or quarterly meetings with the PIO/APIO/AA and review the implementation of the RTI Act. Public should also be invited to these meetings

The Department of Personnel and Administrative Reforms (DPAR) has been issuing several notifications relating to RTI Act. Copies of these notifications should be sent to the concerned PIO/APIO.