

**REPORT ON THE
STATUS OF IMPLEMENTATION AND AWARENESS OF
RIGHT TO INFORMATION ACT
AMONG
PUBLIC AUTHORITIES IN MYSORE CITY**

Submitted to

**Department of Personnel & Administrative Reforms
Government of Karnataka
&
Karnataka Information Commission
Bangalore**

**Survey conducted by
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In Collaboration with

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Introduction

The Right to Information Act (RTI) is one of the landmark legislations enacted in India. The Act has come into force from 12th October 2005 throughout the country, except in the state of Jammu & Kashmir, where it is exempted. The object of the Act is to promote transparency in the working of the Government, contain corruption and ensure better participation of the citizens in administration. It seeks to establish a regime where citizens are able to access information easily.

One of the novel features of the RTI Act is that it casts a duty on the public authorities to publish certain information voluntarily. Section 4 (1) (b) of the RTI Act requires public authorities to publish details under 17 different categories and make this manual available in the website. This Section has come into force from 15th June 2005 and public authorities are supposed to comply with this requirement within 120 days from that date. Citizens' need not submit applications under the RTI Act to obtain this document. However, they may have to pay a nominal fee to get copies of this manual. According to the Rules framed by the Government of Karnataka, a citizen is required to remit Re.1 per page to obtain this document.

The information to be published by the public authorities is wide in nature and more the information is included, the less is the chance for citizens to use the RTI Act. In fact this is the purpose with which this section has been inserted. A citizen should be able to get most of the information he requires, without resorting to the RTI Act. Hence publishing this information is crucial and sets the ball in motion for implementing the other provisions of the RTI Act. In other words the successful implementation of RTI Act depends on the quality of the information provided in the Manual and the steps taken to disseminate the contents. The level of knowledge among the staff about the RTI Act in general and Section 4 (1)(b) in particular decides the success of RTI Act in the public authority.

Context

It is in this background that the present study was taken up by the RTI Advocacy and Research Unit of CREAT, Bangalore, in collaboration with JSS Law College (Autonomous), Mysore. CREAT is basically a consumer advocacy group working to promote consumer activism. Right to Information is one of its focus areas. The Commonwealth Human Rights Initiative (CHRI), New Delhi, has been supporting CREAT in the work of right to information. CREAT is working as an external collaborator in Karnataka. CREAT has been focusing on the supply and demand side of information. It has tried to support the government officials in implementing the RTI Act by way of training officers, organizing workshops, publishing guidance notes, counseling and acting as a

clearing house. CREAT has established an RTI Hub consisting of materials on RTI like books, papers, guidance notes, case studies, decisions of the information commission etc. CREAT has so far trained over 1000 government officials in Karnataka and Andhra Pradesh. CREAT is invited by a number of government training institutions like Administrative Training Institute, District Training Institutes, Secretariat Training Institute etc to provide training to their staff.

CREAT in collaboration with CHRI is supporting RTI activism among the civil society organizations (CSOs) of Karnataka. An informal network of over 100 non-governmental organizations has been formed. CREAT is publishing leaflets, guides, posters and other advocacy materials. A quarterly newsletter (Infotap and Prajamahithi) devoted to RTI is being published in English and Kannada. Apart from providing training and arranging capacity building programs to these CSOs, CREAT is also conducting surveys and studies on various facets of RTI. It is collaborating with academic institutions like National Law School of India University and other institutions.

As part of this campaign, CREAT in collaboration with the JSS Law College (autonomous), Mysore, conducted a study to ascertain the status of implementation and awareness among the public authorities in Mysore city about RTI Act in general and about Section 4 (1)(b) in particular. The study commenced in October 2008 and completed in December 2008.

Objectives

The objective of the study was to ascertain the awareness about RTI Act in general and the extent of compliance with the requirements of pro-active disclosure (Section 4 (1)(b) of the RTI Act) by the public authorities

Methodology

The following steps were taken to conduct the study.

A meeting was held with the Principal and lecturers of JSS Law College (Autonomous), Mysore, wherein the need, methodology and objectives of the study was discussed.

A one day workshop on RTI Act was organized for the law students and lecturers of JSS Law College. At the end of the workshop a list of students who would be interested in conducting the study was prepared.

A workshop on Section 4 (1)(b) of the RTI Act was held for students who had volunteered to be part of the study. In this workshop the students and a few lecturers were given advanced training on the requirements of Section 4 (1)(b). They were also explained about the methods of conducting the study, preparing reports, follow up action required, the deadlines etc. It was decided that to start with the public authorities will be asked to furnish information as required under Section 4(1)(b). However students were given the freedom to seek additional information as a test case.

A survey/study kit was prepared consisting of (1) the RTI Act, (2) template of Section 4 (1)(b), (3) the step by step action to be taken for filing applications, (4)

blank application forms (5) List of public authorities to be targeted in Mysore City and (6) Sample information to be sought.

Though the RTI Act does not require citizens to file formal applications along with fee to obtain a copy of the Manual prepared under Section 4 (1)(b), it was decided to do so in order to complete the study as quickly as possible. Further it was felt that this would facilitate assessing the knowledge and awareness of RTI among the staff of public authorities.

The process

The volunteers prepared applications under the guidance of Mr.Nagendra Murthy, lecturer, JSS College, who coordinated the survey. The survey was an assignment given for law students as part of their study. The students filed 85 applications to various public authorities. The students (applicants) sought the following information:-

- Copies of the Manual as required under Section 4 (1)(b)
- Details of expenditure incurred on Advertisements
- Details of property tax assessed, collected, due and action taken to recover it
- Expenditure incurred on telephones
- Details of sites allotted under 'out of turn' category
- Number of electrical accidents and payment of solatium
- List of teachers who have provided an undertaking not to take private tuitions

The list of public authorities, the date of filing, the information sought, dates of receipt of information and remarks is indicated in the Annexure.

Findings

Out of 85 applications filed, 53 applications were responded and 32 applications were not replied, though acknowledged by the concerned public authorities. Though the applicants had the right to approach the First Appellate Authority, it was not resorted to, keeping the objective of the study in view.

Out of 53 replies received, many loopholes have been observed. Only in 12 cases the information sought has been received in complete form. In 10 cases the information furnished in incomplete. One application has been sent back with a remark by the public authority (Mahajana College) that no such person like PIO does exist in the college.

The other forms of violation of the RTI Act are summarized below:

1. Demanding excess amount, than that prescribed under RTI Act/Rules for the documents
2. Not following the rules/provisions prescribed under the RTI Act like transferring the application to concerned public authority
3. Directing the applicant to take the information from the website
4. Asking the applicant to restrict the scope of information (To compel the applicant to seek information from one college, rather than all colleges)

5. Providing information which is outdated/irrelevant/not sought by the applicant
6. Total disregard for the RTI Act and to applications

The best

Some public authorities have sent the required information without demanding further fee.

The Commercial Tax department has applied the RTI Act/Rules correctly
The Chamundeshwari Electricity Supply Corporation and the Department of Legal Metrology have responded to the request in time and has provided full information

The worst

Two colleges have furnished an extract of Sec 4 (1)(b) of the RTI Act instead of providing the Manuals to be prepared by the colleges as required by this Sec

Knowledge about RTI Act

Three years after the RTI Act coming into force the officers/staff of public authorities appear to have no knowledge of the RTI Act, in general and the requirements to be complied with under Section 4 (1)(b). It is observed that a majority of the officers/staff are not provided any training about the RTI Act. It is pertinent to note that even college principals, who are designated as Public Information Officers are not aware that they are in charge of RTI in their respective institutions.

As a result most of the public authorities are unable to understand the requirements of the applicants. Though the applications are well drafted and convey what is required, the public authorities have not been able to provide the required information. The requirement under RTI Act to furnish certain information voluntarily has not been understood by the public authorities. For example two colleges were asked to provide a copy of the manual prepared under Section 4(1)(b) of the RTI Act. Instead the colleges have furnished a photocopy of Section 4 (1)(b) of the RTI Act..

Another college has sent back the application with a remark that 'there is no such Public Information Officer' in the college. According to the notification issued by the Office of the Commissioner of Collegiate Education, Bangalore, the Principals of all Government and Aided Colleges are designated as Public Information Officers.

When asked to furnish the manuals prepared under Section 4 (1)(b) of the RTI Act, three public authorities among those studied has replied that they are not clear about the requirements. They have asked the applicant to resubmit the application mentioning clearly what they require.

Response time

As per the RTI Act, the public authorities are supposed to reply to the application in writing giving details like availability/non-availability of information, the amount of further fee to be paid, detailed calculations about fee, the details of the Appellate Authority etc. This exercise is to be completed within 5-7 days after receipt of the application.

However none of the public authorities have complied with the above requirements. Some of the public authorities have not replied even after one month after the application is received by them. A few of them have taken more than 15-22 days to reply to the application.

Ignorance about the fee

The study has also revealed that out of 85 public authorities only two are aware of the correct fee to be collected for supplying the information. As per the Rules framed by the state Government of Karnataka public authorities can charge Re.1 per page for information furnished as per Section 4(1)(b). Five public authorities have asked the applicants to remit fee at Rs.2 per page. This is in gross violation of the Rules framed by the Government of Karnataka.

However a number of public authorities, who have provided the documents, have not demanded any fee. Though this is a welcome sign, it may not be in the interest of the public authority. What will be the consequence if an applicant seeks voluminous information running to hundreds of pages and the public authority does not charge any fee?

Wrong/incomplete information

It is observed that some of the public authorities have furnished either wrong or incomplete information. Here again the ignorance of the officials about the RTI Act is evident. For example the JC College of Engineering has furnished only the organization chart and powers and duties of the officials. Even the names of the officials are not mentioned. It only provides the designation. Similarly the MCC has provided only the list of Public Information Officers and Assistant Public Information Officers instead of the notification under Section 4 (1)(b).

The study has also revealed that some of the PIOs have provided wrong information due to their ignorance of the law. The PIO of the Health and Family Welfare Department, Mysore, has provided the list of hospitals in Mysore District, instead of the manual prepared under Section 4 (1)(b) of the RTI Act.

Asking applicants to restrict scope of information

Under the RTI Act the PIO has to either furnish the information or reject it or transfer the application to the concerned authority. He or she can assist the applicant in reframing the application so that the PIO can provide the exact information. But the PIO cannot ask the applicant to restrict the information.

The study has revealed that in two cases, the PIOs have compelled the applicants to restrict the scope of information sought. An applicant sought from the Joint Director of Collegiate Education, documents relating to the undertaking given by lecturers about their non-engagement in private tuitions. However the PIO asked the applicant to restrict this information only to Maharani's Science College. Whereas the applicant wanted this information from all colleges under the control of the Joint Director.

Transfer of applications

The RTI Act provides for transfer of applications in case where the application is submitted to a wrong public authority. Misdirected applications only are to be transferred. However the officials of Mysore City Corporation (MCC) are not aware of this provision. Though the public information Officer of MCC has furnished information about his office he has directed the applicant to obtain the information about other divisions of the MCC from concerned Assistant Commissioners.

Since the MCC is one public authority, the correct procedure is that the PIO has to collect the information and furnish it to the applicant. Transfer of application is allowed only in case of different public authorities and not PIOs of the same public authority.

Directing the applicant to obtain information from the website

Two public authorities namely, the Mysore University and the Horticulture Department have asked the applicants to obtain the required information from their respective websites. When asked to furnish a copy of the notification under Section 4 (1)(b), the Mysore University has replied the applicant that it is too voluminous and the information may be taken from the website or by visiting their office and inspecting the files.

Suggestions and recommendations

Based on the above findings, CREAT would like to make the following recommendations:-

1. There is an urgent need to sensitize the officers and staff of public authorities, about the various facets of RTI Act
2. A comprehensive directory of the Public Authorities and Public Information Officers (PIOs) in various public authorities of Mysore City is to be prepared.
3. A series of training programs to the PIOs are to be organized. It is suggested that the Office of the Deputy Commissioner/Regional Commissioner should take the lead
4. The training should focus more on implementation side of the RTI Act, rather than the theoretical aspects of the Act

5. Colleges and educational institutions coming under the purview of the RTI Act should be targeted for the training immediately
6. Necessary instructions should be issued to the public authorities to prepare the Manuals as required under Section 4(1)(b) of the RTI Act.
7. The Administrative Training Institute and the District Training Institute should improve their training contents, modules and update the training course material.
8. The RTI Act along with the Rules and Regulations made there under by the Central Government and the State Government of Karnataka should be compiled in a booklet form and distributed to all public authorities
9. All public authorities should be instructed to display the details of the PIO/APIO and Appellate Authority in the notice boards of the respective public authorities.
10. The Karnataka Information Commission should take suo-motu action on the above findings.

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