

Research Proposal**IMPLEMENTATION OF RIGHT TO INFORMATION AND IMPACT ON ADMINISTRATION:****A Case Study of Collegiate Education and Revenue Department in Karnataka****Brief introduction of Right to Information law**

Right to Information Act – 2005 is a most popular, reformative and ambitious law in Indian political and administrative history. Right to Information Act enacted by United Progressive Alliance-1 (UPA) Government headed by Prime Minister Dr. M. Manmohan Singh in the year of 2005(14th Loka Sabha). Right to Information Act empowers the citizens of India against Administrative corruption and erratic/ wrong administration. This act discloses the Governmental and Administrative functions, programs and process related information to every common man.

In popular democracy the Government should be responsible and accountable to individuals. Therefore Government discloses and provides the information of documents, files and samples required by the individuals on request. Supreme Court judgment in 'Raj Narayan v/s Uttar Pradesh Government' says, Information Right is also part of Constitutional and fundamental rights under the article 19(1) (a) of part three of Indian Constitution. Right to Information Act create a new era in Indian democratic Republics political journey.

In India following a nationwide campaign led grass roots and civil society organization, the Government of India passed a landmark Right to Information Act 2005. Since then social activists, civil society organizations and ordinary citizens have

effectively used the Act to tackle corruption and bring greater transparency and accountability in the government.

Right to Information Act replaced the Freedom of Information Act-2002 and repealed the “official secrets act-1923” and many other laws of British raj and rules establishments by union Legislature.

The Right to Information Act provides a provision to appoint a Public Information Officer (PIO) and Assistant Public Information Officer (APIO) in every public authority, private aided and unaided private educational institutions. PIO and APIO is answerable to the public request related to information within time limit of 30 days. In case the PIO and APIO fail to provide the information to applicant, respective PIO is held responsible to pay penalty of Rs. 250 per day to up to rupees Twenty five Thousand.

Aims and Objectives of the study

The study concentrates on whether the implementation of RTI Act in Administration and Government machinery, especially Aided degree colleges and Government degree colleges in the Collegiate Education Department and District and Taluk administration under the Revenue Departments. The Revenue Department (RD) is mass citizen grievances centric and larger number of services providing agency in Karnataka. Deputy Commissioner of the District and Tahasildar of The Taluk is discharging agency of the RD services. The Department of Collegiate Education (DCE) is a specialized division. Little percentage of the youths connected with higher education (College Education) in this Department. The study gives priority to comparative study and analysis of RTI

implementation in different nature and work oriented. The comparative study gives us the informative how the RTI is functioning effectively in colleges and how it is helpful to students. Its objectives are-

- To study the effective implementation of RTI with public participation in the Department of Collegiate Education and revenue Department.
- To find out the new methods for effective implementation and enforcement of RTI Act in administration.
- To understand the living conditions after the RTI implementation, working process and problems in private aided colleges.
- Comparative study of private aided colleges and government colleges under DCE and Deputy Commissioner Office, Taluk Tahasildar office in RD with regard to implementation of RTI.
- To find out the best practices of RTI and study the changing role of PIO's in Revenue department and colleges with respective regular work.
- To find out the new routes to RTI process for smooth running with Utilization of Science and Information Technology to effective working of RTI.

Significance of the Study

The Department of Revenue is a civic service related department in Karnataka state and most of the Government services are delivering through different agencies. Revenue administration service delivery determines the quality and

efficiency of the Government. In recent survey discloses, the department of revenue received the highest number of RTI applications and also second appeals registered in Karnataka Information Commission. This study tries to deal what are the problems in RTI implementation and suggest how to encounter the troubles with empowering of PIO's.

Department of Collegiate Education (DCE) is a sub branch of under Higher Education in Government of Karnataka. The DCE is monitoring the undergraduate colleges. 411 Government First Grade Colleges and 354 Private Aided First Grade colleges are working under the department. The study tries to assess the institutional response to RTI applications and what is the role of PIO's and findout the problems and also suggest remedies to over come.

Scope and Limitations of the study

The study examines institutional aspects of RTI application process and disposes by PIO's in the Department of Revenue and Collegiate education. The study covers Deputy Commissioner, Assistant Commissioner and Tahasildar of Revenue Department and this study will be conducted by taking survey on RTI matter related in 411 government colleges.

The whole study is limited to the RTI act and its working process and effects on Administration.

Hypotheses

- Most ambitious RTI Act is suffering from PIO's mismanagement and negligence. The training is Empower to PIO's is fulfilling the lack of knowledge.
- Few people misguided and misuses the RTI Act. The act has both positive and negative impact on administration. Negative attitude create lack of confidence to public.
- Information must be available to the public through oral communication with PIO's in particular issues. The telephonic information system reduces more than 40% of simple information based applications.
- Monitoring body of RTI Information Commission is failed to lead friendly to both public and public authority.
- RTI is not working properly in Private aided and unaided educational institutions, they are not considering it seriously.

The Research Methodology

The study focuses on the processing and performance condition of RTI in both Collegiate Education and Revenue Departments. Structured and semi structured Interview conducted with some randomly selected PIO's for the understanding the standing problems in RTI and interact with eminent RTI activities is the part of research agenda. The research program considers the experience from some RTI applicants and civil society groups. A survey also conducted for getting the opinions from expert like

Information Commissioners and writers is becoming the part of in this research in primary data.

Major secondary sources is depending on hard and soft copy of departmental annual reports of RTI and KIC annual reports and different journals, Information Commissions judgments and website data were taken into consideration for the analysis.

The methodology is a combination of a questionnaire based survey and qualitative discussions. The study refers to the RTI inward and outward registers in public offices, responses to applicant request and fee related issues and also appeals. Interview and interact will be conducted with 4 different Deputy Commissioners from 4 administrative divisions, 4 Tahasildars from each divisions (Total 16 Tahasildar offices) in RD. In DCE 30 government college and 30 private aided college heads and PIO's selecting on the basis of Random.

While the results of the questionnaire, survey reported in quantitative terms, this analysis in indicative of the broad features. The results of the survey were checked many times in Focus Group Discussions which form the basis of the thesis's insights.

The data will be collected through the method of structured questionnaire. Some information will be collected through informal and formal discussion with the selected RTI applicant respondent in face-to-face situation and through observation to assess their opinion and levels of awareness.

Monographs and published works of various writers, social workers and individuals will be gathered on various issues dealt in the different three reports.

Review of Literature

There are basically four types of writings that are significant to study on the RTI act. The first is the getting the annual, half yearly and monthly reports and RTI request related information from public authority and also by KIC. The second are the collecting the intellectuals writings and publications and articles including RTI workers and its related NGO's. These were several studies on RTI earlier few of them are:

Sudhir Naib in his book "Right to Information in India" (2013) gives a short introduction analysis. The evolution of this landmark Act, the procedures in valued in seeking the information, the duties of information suppliers as also the kinds of information exempted from disclosure.

Though in depth comparative analysis of the law in various part of the world. The book captures the strength and drawback of the RTI Act narrates success stories and suggest policy measure to improve its implementation.

K M Srivatsava in his book "the Right to Information: A Global perspective" (2009) tried to show the global view of right to know the information. The book provides a good comprehensive which takes over RTI in India and same developed countries like Unites States and United Kingdom. He shows an overview of the concept of RTI and freedom of information.

Mandakini Devasha Suries " RTI in India- An effective tool to tackle corruption" (2011) describes the RTI Act as the most

fundamental law this country has seen as it can be used from the local Panchayats to Parliament, from non descript village to posh Delhi and from ration shop to 2 G scam. P.K Saini and R K Gupta in these paper titled RTI ACT 2005 objectives, challenges and suggestion have discussed about mas or obstracles in the effective implementation of the RTI ACT.

The review of earlier studies shows that these are no studies with references to RTI in the department of collegiate and Revenue depts. In Karnataka.

Structure of the Report

The study report has been classified into three parts.

Report- I trace the short history of RTI and analysis of information seeking applications in Collegiate Education and recommendations. A success story of a farmer Jayaramaiah.

Report – II of the report discusses the problems and suggestions in issues related to Revenue Department. Relationship between administrative failures and increasing of the RTI application.

Report–III of the Report summaries some significant recommendations related to Institutional process, comparative analysis and laws prospective.

Chapter – 01

Introduction to Right to Information

The Democracy means meaningful participation by the people in the public affairs. A democratic government must be sensitive to the public opinion for which information must be made available to the people. The Right to Information implies the participation of people in the process of governance and administration which becomes inevitable.

The Right to Information is the only rightful law in India. This is most popular, citizen centric and change oriented law in Indian administrative history.² The Right to Information (RTI) Act influences the people and impact on Indian Administration in greater transparency in functioning of public authorities; disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to maintain all records duly cataloged and indexed in a manner and the form which facilitates the information right under the act. Information is nothing but knowledge, the knowledge make man strong and powerful. If the Information should be related to Government and Administration, the person becomes active in good governance and self defensive and growing nature. The RTI act empowers the people of India against administrative corruption, irregularities and irresponsive attitude of administrative machinery. The Right to

Information promotes transparency and accountability in the working of every public authority. In other words through this act, the citizens of India have been empowered to question, audit, review, examine and assess the government acts and decisions so as to ensure that these are consistent with the principle of public interest, good governance and justice.

Enactment of Right to Information

India always took pride in being the largest democracy, but with the passing of the Right to Information Act 2005, it has also become an accountable, interactive and participatory democracy. This Act is applicable to the whole nation except the state of Jammu and Kashmir. The United Progressive Alliance (UPA) Government headed by Dr. M Manamohan Singh got the approval by the Parliament after speedy and marathon discussion.³ The earlier freedom of information act 2002, has got the assent of the President of India, but did not notify and finally replaced with the RTI act, it came in to force on October 12, 2005 and on the same day Mr. Shahid Raza Burney filed the very first RTI application in Pune Police station.⁴ The RTI act successfully completed ten years in 2015. Popularity of this act and users of this law is rapidly increasing year by year.

Concept of Right to Information started taking shape in 1970's by liberal interpretation by the judiciary in various Fundamental Rights specially the right to freedom of speech and expression. In the case of Bennete Coleman and co versus

Union of India in 1973, the majority opinion of the Supreme Court then put it “Freedom of speech and expression includes within it compass the right of all citizens to read and be informed” In 1975 during National Emergency, Supreme Court of India dictate in a case judgement, Information gathering is a right to every person. The 1981 court judgement in Manubhai Shah versus Life Insurance Corporation of India (LIC) reaffirmed the point.

Basic purpose of freedom of speech and expression is that all members should be able to form their beliefs and communicate them freely to others. In sum the fundamental principle involved here is the people right to know. There have been numerous cases favouring discloser of Government information and transparency. As a result of a lack of clear legislation on this, people had to knock at the doors of courts every time they wanted to enforce this right. Courts have almost and always responded positively. But this course at best restricted enforcement to the aware and the literate for their own limits concerns. The common citizen had neither the means nor the time and inclination to get into convoluted legal process and even PIL was a tool which could reach only few elite people. The movement for the RTI received a fresh impetus from the courageous and powerful gross roots struggle of the rural poor to combat rampant corruption in famine relief works. This struggle was led by Mazdoor Kisan Shakti Sangathan (MKSS). The reverberation of this struggle led a nationwide demand for a law to guarantee the RTI to every citizen.⁵

For the first time fifth central pay commission recommended to establish a law to public information⁶, later on many social organisations started movement to right to information. Action group for RTI, Sochnaka Adhikar Abhiyan, National campaign for people right to information, Nyayabhoomi and many other people group/ Non Governmental Organisation(NGO) and many activist like Anna Hajare, Aravind Kejriwal, Manish Sisodia, Rakesh, BB Sharan and many other RTI activist seriously protested for the rightful law to the people. Again Supreme Court of India stated that in Raj Narayan v/s Uttar Pradesh case, "The RTI is a fundamental right following from article 19(1)(a) of the Constitution". Government of India establishes a national level act become law under the freedom of information act in 2002. This act was severely criticised for permitting too many exemptions, not only under the standard grounds of national security and sovereignty but also for requests that would involve disproportionate diversion of the resources of a public authority there was no upper limit on the charges that could be levied and no penalties. Some states like Tamil Nadu and Goa in 1997, Karnataka and Rajasthan in 2000, Delhi in 2001, Madhya Pradesh in 2003, Jammu and Kashmir in 2004 and Haryana in 2005 have successfully enacted the RTI act.

Features of Right to Information and working process

The RTI process involves reactive to disclosure of information by the authorities. Information including mode of

information in any form of record, document, e-mail, circulars, press release, contract, sample of electronic data etc. The RTI Act also covers inspection of work, documents, record and its certified copy and information in form of diskettes, floppies, tapes, video, cassettes in any electronic mode or stored information in computers etc. Each public and partial public authority appoint Public Information officer (PIO) and Assistant Public Information officer (APIO) to serve information to public. Any individual may submit a written request/application to the PIO for required information. The PIO is responsible to provide the information on the applicant request with in time schedule.

Applicants have submitted the application with Rs.10 fee. But application fee is exempted to the people of Bellow Poverty Line (BPL) SC and ST applicants. There is no prescribed application to file the RTI application but signatred application must includes applicant name and address, required information and name and position of PIO. Suppose PIO is failed to dispose the RTI application within the stipulated time limit, the applicant have the right to file first appeal to first appellate authority in the same public authority. The first appellate authority is responsible to provide information within 30 days under the 19(1) of the RTI Act, but it is optional for the applicant.

The first appellate authority also failed to provide the required information within time limit, applicant have right to file second appellate appeal to Information Commission against the PIO. Information Commission is a quasi judicial

authority under the act. The commission conduct enquires as a civil court. The Commission have right to impose penalty Rs. 250.00 per day and up to not excluding Rs.25000.00. The RTI act constitutes two tier Commissions to Centre and States.

Right to Information act exempts the following organisations

Twenty five government organisations are exempted from the purview under the second schedule of RTI act. These includes intelligence agencies, central economic intelligence bureau etc, research bodies working with the countries security agencies are also immune to the law, as are paramilitary forces.

The Directorate of Enforcement, Narcotics control board, Special Service Bureau, Special branch of the Police in Andaman and Nicobar, Lakshadweep and Dadra Nagar Haveri are excluded from RTI act. These organisations are however required to provide information if the panel believes the appellants query relates to a case of corruption or abuse of human rights.

Impact of Right to Information on Administration

The Right to Information is one of the friendliest legislation. Large number of people has been benefited from it. But it is true that more than a decade after Indian Government enacted the act in 2005, the road to accessing information remains arduous. This act has made both tangible

and intangible impact on the system and the people. People are using this act as a tool to get their passport, ration card, pension, birth and death certificate and income tax returns. Several people like disabled, old and young people below the poverty line have utilised this act to get benefits.

The RTI act influence on people and impact on Indian Administration in greater Transparency in functioning of public authorities: disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to 'maintain all records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act'. The public authorities are required to make pro-active disclosures through publication of relevant documents. Besides, the public authorities are also required to 'provide as much information to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information'. Act Facilitate the access to information, a citizen has the right to:

- ❖ Inspection of works, documents, records.
- ❖ Taking notes, extracts or certified copies of the documents or records.
- ❖ Taking certified sample of material.
- ❖ Obtaining information in electronic form is also available.

The impact of RTI can very well be guided by the following.

Improvement in accountability and performance of the

Government: The RTI provides people with the mechanism to access information. In addition, every public authority is required to provide reasons for its administrative or quasi-judicial decisions to the affected persons. Until the implementation of the RTI Act, it was not possible to an ordinary persons to seek the details of a decision making process, which was found most often, as ineffective in terms of its outcome. It was, therefore, not possible to hold a free and frank discussion on issues of common concern of people.

Promotion of partnership between citizens and the Government in decision making process: The RTI Act provides a framework for promotion of citizen government partnership in carrying out the programmes for welfare of the people. The partnership is derived from the fact that people are not only the ultimate beneficiaries of development and also the agents of development. The stakeholder's participation leads to better projects and more dynamic development. Under the RTI act citizen's participation has been promoted through access to information and involvement of affected groups in design and implementation of projects. Empowerment of local government bodies at village level through the involvement and co-operation with NGO and self help groups. Information obtained under RTI, in respect of utilization of funds allocated under rural employment guarantee scheme. Most of all the welfare projects, particularly at Village and Panchayat levels, are being designed and developed in co-operation and support

with the NGO or affected persons, with a view to raising the satisfaction level of people.

Reduces in corruption in the Government departments: In absence of transparency and accountability encourage the government officials to corruption practices. Which result in lower investments due to misuse of power and authority or diversion of funds for private purpose. It creates an environment of distrust between the people and the government, which strike upon the development of democratic governance.

The RTI promotes efficiency in making policies, delivering the service and administrative decisions. It involves the selection of appropriate programmes to achieve Government objectives. Service efficiency is manifested in the effective provision of services to the public, responsive to public opinion and so on. Thus, the efficiency in Government must be measured in terms of all three facets of efficiency. Administrative efficiency, the most important of the three, comprises of conducting the administration without unnecessary delays or ulterior or corrupt motives and giving reasons while passing various orders. It refers to the effective management of the political system. It encompasses good organization and efficient productivity. Where required or implied, principles of natural justice have to be observed.

Table no- 01: Comparison of Administration Before and after implementation of RTI Act.

	Office nature before RTI Act	Office nature after RTI Act
1	The staff and officer were very lethargic.	The staff became active in respective discharge his duty.
2	The Staff and officers did not have any fear on responsibility.	The staff had fear of his duty and responsibility with the RTI Act
3	The staff was not regular and punctual in Their duties under protection of official secrecy Act.	The staff became regular and punctual because of anybody having right to ask and inspect their work and attendance under the Act.
4	Proper action was not being taken by the Staff on the public graveness and complaints	All concerned officials became serious about each and every complaint with documentation.
5	Case worker and record protectors not maintained the files and documents in order.	All concerned officers and officials had been asked to maintain and categorized the files under the RTI Act.
6	The staff members were not conscious and neglecting	They became conscious about their duties.

Source: Right to Information: success and achievements in decade -
Vidyawartha by Dharanisha ST

The major indication of RTI is slowly reduced corruption in India as per Corruption Perception Index (CPI). Corruption perception index provided by Transparency International we can analyze the level of corruption in India and along with the level or position of other countries can be analyzed through this ranking and scoring. Transparency International

publishes the CPI annually ranking countries. The CPI ranks countries based on how corrupt their public sector is perceived to be. Corruption is the abuse of entrusted power for private gain. It is generally Comprises illegal activities, which mainly come to light only through scandals, Investigations or prosecutions. Here the scoring of India and its ranking is indicated from the period of 2004 to 2015.

Table no- 02: **India's rank in CPI publication.**

Sl.No	Year	No. Of Countries	India's Rank	India' Score
1	2004	146	90	2.8
2	2005	159	88	2.9
3	2006	163	70	3.3
4	2007	180	72	3.5
5	2008	180	85	3.4
6	2009	180	84	3.4
7	2010	178	87	3.3
8	2011	183	95	3.1
9	2012	176	94	3.6
10	2013	177	94	3.6
11	2014	175	85	3.8
12	2015	175	85	3.8

Source : Corruption Perception Index (CPI) reports.

The RTI is an important weapon to fight against corruption, irregularities and misuse of power. RTI has significant tool to good governance and development. The RTI is a vital tool for good governance. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality. The Main thrust of RTI law is to change the culture of secrecy, redtapism and aloofness that has long plagued India's monolithic and opaque bureaucracy.⁸

Success story of a common farmer Jayaramaiah with using of RTI

Right to Information Act has been described as a forerunner of the change. Work nature in Government offices after the implementation of the Act completely changed and commitment, transparency and Impartiality exists. The RTI is a platform to citizens of the country against injustice, partiality in administration and eradication of corruption. Millions of people across the country using RTI to improve their economic and social status, which is very refreshing development.

Jayaramayya is a 50-year-old small farmer in Tumkur district and did not pass the 9th standard. Life management relied wages. Right to Information Act 2005 was light to his life. He applied around 200 RTI applications to different public offices like Deputy Commissioner's office Tumkur, Zilla panchayat office, Taluk panchayat office, Grama panchayat, Department of Agriculture, Horticulture, Social Welfare Department and the Revenue Departments. He has asked selection process of the beneficiaries, government programs and plans, choosing scales of beneficiary's related information. After receiving the information from public authorities he directly approach and lodge complaint to senior officers and peoples representatives against the officers with regard to partiality in the selection of beneficiaries and corruption.

Later on his name was listed in government beneficiaries list and obtained benefits. He express this is the result of

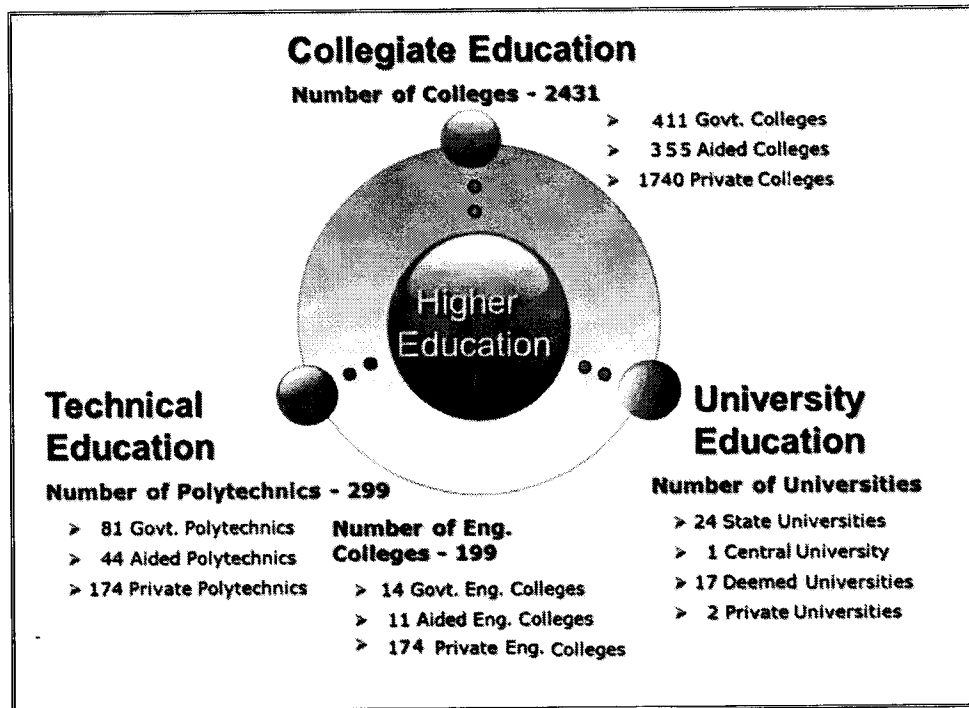
right to information and thanks to it. He was received many benefits like Ganga Kalyana Yojane (free bore well to agriculture irrigation), Free house under Asraya Scheme, financial assistance under ST grants land development, financial assistant to his son's to education from Grama panchayat, settlement of pending land disputes from Revenue department etc.. instead of giving a bribe to anyone. "Am saying thanks RTI to gives respect in social and economic status as lived right here"....Jayaramaiah

Chapter – 2

Progress and Performance of RTI in Department Collegiate Education

The Department of Higher Education has three wings namely University Education, Collegiate Education and Technical Education Departments. The Department of Collegiate Education (DCE) became independent in the year 1960, and striving to make quality of degree education affordable and accessible to all sections of students. The Department manages planning, administration and funding of 411 Government First Grade Colleges and 352 private aided degree colleges across the state. The Commissioner (Indian Administrative Service Officer) is head of branch of Collegiate Education, he is assisted by the Director and six regional joint directors located at Bangalore, Mysore, Mangalore, Shimoga, Dharwad and Gulbarga.

Picture no- 01: **Higher Education Department structure
in Government of Karnataka⁹**



Source: www.dce.kar.nic.in and annual report of 2014-15

The Department of Collegiate Education monitors 766 Government and private aided degree colleges across the 30 districts in the state. Over 3.10 lakh students under the department of collegiate education are studying in Graduate and post graduate courses in Arts, Science, Commerce and Management Stream. The Colleges are affiliated to different 17 Universities and roughly 5400 faculties and around 2500 ministerial staff are working for this purpose. The Principal is the administrative and academic head in college, Associate and Assistant Professors are the teaching faculty to students. The Principal and Teaching staff is appointed as per the University Grant Commission (UGC) regulations.

The DCE is implementing the RTI Act like other departments across the state. According to DCE website www.dce.kar.nic.in/aboutdce/RTIact2005/disclosure under RTI Act 2005 manual, published in 2013 the Commissioner B G Nanda Kumar (Retired in 2014) is the Appellate Authority to RTI Act, the Joint Director Prof. T N Prabakar (Retired in 2014) is the PIO and deputy Director Sri. G M Bellam (Retired in 2014) is the APIO to the RTI Act. Actually Mr.Chakravarthi Mohan is Commissioner and appellate authority (second Commissioner after mentioned in website), Prof. Degowda S B Joint Director and PIO and Sri. Savitramma Deputy Director and APIO in the Department head quarters.

The Office of the Regional Joint Director is the second stream office in this department. Regional Joint Director is interim monitoring agency of the colleges under their jurisdiction. The Joint director (JD) is appellate authority; Assistant Director is the PIO of the office and Manager is the APIO is the offices of Joint Director in state as per the record of the Commissioner office. Interestingly not like the head office record as they provide, each JD offices have own allocation of Appellate authority, PIO and APIO to RTI in their office (As on certified copy from JD office).

Table No- 03: Declared PIO, APIO and Appellate authority list in JD offices.

Sl.	Name of	PIO of the	APIO of the	Appellate
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No	JD office	office	office	Authority
1	J D office, Bangalore	Assistant Director	Manager	Joint Director
2	J D office, Mysore	Assistant Director	Manager	Joint Director
3	J D office, Mangalore	Joint Director	Assistant Director	Commissio ner of DCE
4	J D office, Darawad	Assistant Director	Manager	Joint Director
5	J D office, Kalburgi	Joint Director	Assistant Director	Commissio ner of DCE
6	JD office, Shimoga	Joint Director	Assistant Director	Director of DCE

Source: JD office replied to my RTI letters.

Commissioner office and higher Education department declared JD is the PIO of the regional joint director offices, available assistant director of office Manager is APIO and additional director of Collegiate Education is Appellate authority. Gap between different offices and head office exists clearly.

College Administration and RTI Performance

The Government First Grade Colleges and Private Aided First Grade colleges are the third stream and field and execution offices in the state. The Principal is the PIO of the Colleges: an Associate Professor/Assistant Professor is nominated as APIO of the College. Respective jurisdiction Joint Director of the collegiate education becomes Appellate authority to RTI in the college. Interestingly not like the head office record as they provide, each college have own allocation

of Appellate authority, PIO and APIO to RTI in their college (as on certified copy from JD office).

Table No- 04: Declared PIO, APIO and Appellate authority list in Government First Grade College.*

Sl.No	Name of Government College	PIO of the office	APIO of the office	Appellate Authority
1	GFGC Kuderu	The Principal	Assistant Professor	Commissioner of DCE
2	GFGC Bapuji Nagar, Shim	The Principal	Associate Professor	J D of Shimoga
3	GFGC Virajapete	The Principal	Assistant Professor	J D of Mangalore
4	GFGWC Vijayapura	The Principal	Assistant Professor	Commissioner of DCE
5	GFGC Hindi	The Principal	Assistant Professor	J D of Darawad
6	GFGC Ramangara	The Principal	Assistant Professor	J D of Bangalore
7	GFGC Tenkanedeyuru	The Principal	Assistant Professor	J D of Mangalore
8	RC Govt. College Bangalore	The Principal	The Principal	The Principal
9	GFGC Kollegala	The Principal	Assistant Professor	Commissioner of DCE
10	GFGC Thyamagondlu	Assistant Professor	Associate Professor	Principal of the College

Source: The information provided by Colleges to my RTI applications

Table No- 5: Declared PIO, APIO and Appellate authority list in Private Aided First Grade College.**

Sl.No	Name of Private Aided College	PIO of the office	APIO of the office	Appellate Authority
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1	Sri. Kongadiyappa College, Doddaballapur	The Principal	Assistant Professor	Commissioner of DCE
2	Sri.Venkateswara Swamy College, Bantwala	The Principal	Assistant Professor	J D of Mangalore
3	The Rural College, Kanakapura	The Principal	Assistant Professor	J D of Bangalore
4	S Nijalingappa College, Bangalore	The Principal	Assistant Professor	J D of Bangalore
5	JSS Gundlupete	The Principal	Assistant Professor	The Commissioner of DCE
6	Poornapragna College Udupi	The Principal	Assistant Professor	J D of Mangalore
7	Cavery College, Cicyb AR Inamdar College Bijapur	The Principal	Supervisor of college	The Commissioner of DCE
8	Karnataka College Bidar	The Principal	Not appointed	The Director of DCE
9	Sri. HR Sri. Ramalu Memorial College, Gangavathi	Supervisor of college	First Division Assistant	The Principal
10	Mahanta Swamy College, Hamsabhavi	The Principal	Assistant Professor	J D of Kalaburugi

Source: The information provided by Colleges to RTI applications

Declared PIO, APIO and Appellate Authority details received from the college through RTI applications. Actually The Principal of the College is PIO, office administrative chief

Manager or Superintendent or FDA is APIO and Regional JD is appellate authority for Government Colleges and Private Aided colleges as per the DCE manual of RTI. Many principals don't have information about department declaration on RTI. The Principal of RC College declared himself APIO, PIO and Appellate authority.

The Chief Secretary of the State (*DO no: DPAR/57/RTI/2009 Dated 05-12-2009*) and Principal Secretary of Department of Personnel and Administrative Reforms(DPAR) (*DO no: DPAR/18/RTI/2011 Dated 03-02-2011*) directed to all department administrative heads to appoint RTI Coordinator in directorates, Corporations, District deputy commissioner office and Zilla Panchayats for the following purpose;

- Update of PIO's and APIO's list under the department,
- Supervision of RTI applications disposals and appeals,
- Preparation of three month, half yearly and annual RTI report and to submit it to the information commission.
- Monitoring and updating of to the 4(1) (a) and 4 (1) (b) and disclosure of document in website.

Problems and failures in the Department

1. The Department of Collegiate Education inspite of Chief Secretary Direction does not appointed/nominated Nodal officer in the department for RTI mechanism monitoring.

2. The Joint Directors of regions declared as PIO and Appellate authority there interest, some JD's declared himself as PIO and some JD's Appellate authority.
3. First Appellate authorities are not conducting the hearing/ enquiry to PIO's who are failed to provide the information to applicant.
4. The additional director of Collegiate Education is appellate authority to both regional offices and commissioner office.
5. Four out six Joint Directors of regions are not maintaining RTI register and fee collection, remittance, inward and outward registers.
6. College Principals are PIO's in College but 85 % of Principals don't know who is our Appellate Authority? some principals declared JD, some others declared Commissioner and others declared Director is Appellate authority.
7. Am asked copy of 4(1) (a) and 4(1) (b), 3 month RTI register and received RTI applications to selected 40 colleges and personally visited to 32 colleges across the state. Principles replied no RTI register maintained separately, not displayed 4(1) (a) and 4(1) (b), and they provide nil report to in quarterly, half yearly and annual

reports. In that particular period they received RTI applications from public and answered to them. Around 80 percent of colleges didn't have properly prepared or displayed 4(1) (a) and 4(1) (b) statement. They have sent nil report to head office; they have not considered the disposed applications of RTI while preparing annual report and displaying it in notice board.

8. The Commissioner is transferring the RTI applications under the Section 6(3) to subordinate JD's and Colleges unnecessarily, instead of providing information which is already exists in their office to the applicant. October 1st to 31st December 2015 the Commissioner of DCE transferred 40 percent applications to subordinate offices.
9. Only 4 Government college Principal get training on RTI and other 28 Principals including private college not received any training. Other 36 Principals replied me to RTI application we didn't get any training on the RTI purpose.

The RTI applications have rapidly increasing in the department since last 10 years.

Table no- 06: Collegiate Department RTI applications statistics¹²

	Year	No of Applications	First Appeals	Second Appeals
1	2005-06	183	1	5
2	2006-07	1173	23	96
3	2007-08	1882	46	106
4	2008-09	4237	32	106
5	2009-10	7103	64	113
6	2010-11	9045	808	117
7	2011-12	14416	112	164
8	2012-13	16751	234	744
9	2013-14	20345	794	493
10	2014-15	NA	NA	NA

Source: Annual reports of KIC since 2005-06 to 2013-14.

The study observed and analyzed selected 450 applicants RTI requests during the period from 1st April 2015 to 30th September 2015 in the Commissioner office. 219 RTI applicants asked only small and one line statistics or statement related to information. The DCE almost spent more than 110 human hours and Rs.5000.00 for postal and other charges for only 219 RTI applications disposal. Interestingly Rs.17500.00 has been spent on only one RTI application disposal. An Applicant asked information regarding Librarian appointment and placement in all government and private aided colleges, the commissioner instead of providing information, directly transferred to both government and aided college Principals and told to provide the information to applicant and send a copy to head office.

Around 350 RTI applications received by DCE in a month, nearly 35 percent applications related to guest faculty and service matters. Majority of applications related to previous proceedings, orders and administrative delayed reasons.

Chapter - 3

Progress and Performance of RTI in Revenue Department

Introduction

The Department of Revenue is the mother department to Government since colonial British rule. The Revenue department is the base for all type of governments like Monarchy, Aristocracy, Dictatorship and Democracy. The rulers of all types of governments have been depending on the Revenue department for treasury management and earlier for financial source. Land record management and collection of different tax including land tax was done through the Revenue department. The Revenue Department is popularly known as “Department of Kandaya” in Karnataka. The Minister for Revenue is the political head of the department and Principal Secretary is administrative head. The Joint Secretary, Deputy Secretary, Commissioner, Director and secretariat staff is assisting the minister. The Department discharge Social Security and Pensions, Public Grievances, Land reforms, Land record. Most of the services are delivered by the revenue department, therefore Government performance indicates through the Revenue Department.

For administrative convenience the Karnataka state has been divided into revenue divisions and districts. Bangaluru,

Mysuru, Kalaburagi and Belagavi are the 4 Divisions and Divisional Commissioner is the head to the divisional administration. District is basic administrative unit and there are 30 geographical districts in the state of Karnataka. The Deputy Commissioner (DC) is the head of the district administration and also called as District Collector or district magistrate in Karnataka. The District administration is directly working under revenue department and general administration. The State has been divided into 52 Sub divisions/districts. The Assistant Commissioner is the leader to each sub-division. Taluk block is the fourth division under the state administration, the state of Karnataka has been divided into 176 taluks and Tahasildar is the administrative chief to taluk governance.

co-ordination. They are also works as a facilitator for the government functions of both central and state.

The DC is assisted by Assistant Commissioner (AC) in sub division and Tahasildar in Taluk. The Assistant Commissioner and the Tahasildar belongs to the state civil service cadre with gazetted officer rank. The DC will be monitoring on the AC and Tahasildars to provide services to the public in the state.

List of Services provided under Revenue Department

1. No Objection Certificate (land tax, water tax, the other collection)
2. Caste and income certificate.
3. Settlers Certificate
4. The certificate of residence
5. Letter to the family in North organism advocacy
6. Birth and death Certificate
7. The nationality certificate
8. Agriculture Certificate
9. Agricultural Labor Certification
10. Landless Certificate
11. The land value certificate.
12. Rural settler's certificate.
13. Land rights change and certification
14. The right to the records earlier than 1999-2000
15. Acceptance of land right change
16. Divisions

17. Property account rights Change
18. No due letter to the approved land-register
19. Declaring the public road under Land Revenue Act, Section 103 and 104.
20. Settlement of arbitration border dispute under the Land Revenue Act, (Article 141)
21. Revenue court and issue the order
22. Land conversion
23. Old Age Pension related
24. Pension to physical disabled persons
25. Widows pensions
26. Management of Sandhya Suraksha Scheme
27. Assistance to beneficiary of the national family scheme
28. Ideal wedding plan and implementations
29. Annapurna scheme
30. Am Admi bima plan
31. Management of Public Distribution system
32. Issue the new ration cards
33. Include and removal of name to PDS card.
34. Ration Card acceptance Certificate
35. Arms and weapons license
36. Renewal of weapon/arms license
37. Permission to entertainment and all other programmes
38. Disaster relief activities
39. The destruction of compensation for crop
40. Maintenances and implementation of Land Reforms Act 1961.

The Revenue Department attends public grievances programmes and settle the disputes in the district as a revenue administration. Therefore district administration closely associated to everyday public life and functions as a centre of facilitation. All most all People approach and appeal to district administration for different necessary services. Therefore more information required to public. Suppose a person is not getting a service well in time or need more information on a particular programme of the scheme, any staff or officer not convince to his work or demand, arrogance of administrative staff causes for the rise of RTI applications in the department

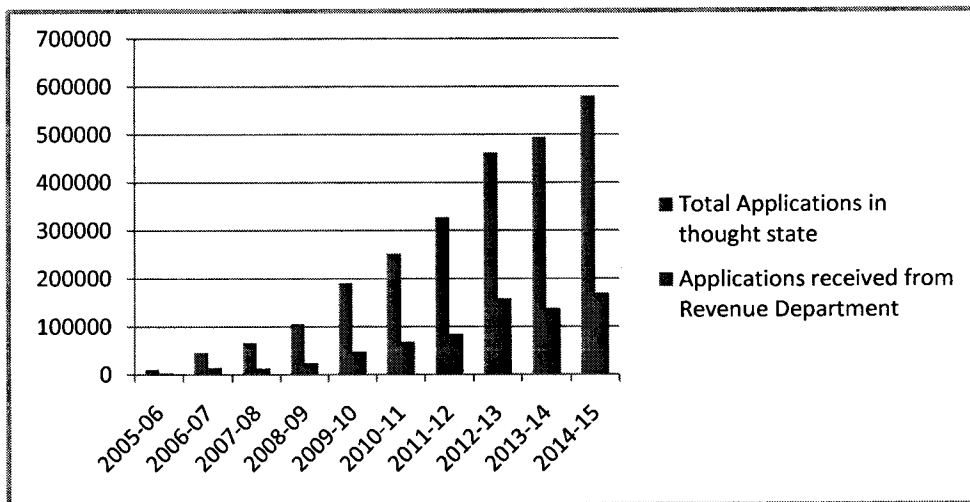
Table no- 07: Statistics about RTI applications in Revenue Department⁰⁰

	Year	No of Applications	First Appeals	Second Appeals
1	2005-06	3220	0	5
2	2006-07	14228	539	128
3	2007-08	12868	107	135
4	2008-09	24111	63	162
5	2009-10	51662	369	227
6	2010-11	68636	636	250
7	2011-12	83897	1687	371
8	2012-13	158013	4087	2485
9	2013-14	138321	8394	3990
10	2014-15	NA	NA	NA

Source: Annual reports of KIC since 2005-06 to 2013-14

Highest RTI applications submitted in Revenue department and its associated offices since 2005. Around one third part of RTI applications submitted to Revenue department.

Picture 03: 00 Graphical interpretation of Total RTI applications received by the Revenue Department



Source: Annual reports of KIC since 2005-06 to 2013-14

RTI fee, Penalty and compensation collection one third shares has been belongs to Department of Revenue.

Table no- 08: Revenue Department RTI Penalty and fee⁰⁰

	Year	Basic Fee collection	
		Revenue	Total
1	2005-06	36705	388162
2	2006-07	280119	448189
3	2007-08	318765	1687219
4	2008-09	356881	2020489

5	2009-10	659110	2869804
6	2010-11	888482	3409313
7	2011-12	988766	4931864
8	2012-13	1833546	6191271
9	2013-14	1506007	5995660
10	2014-15	NA	NA

Source: Annual reports of KIC since 2005-06 to 2013-

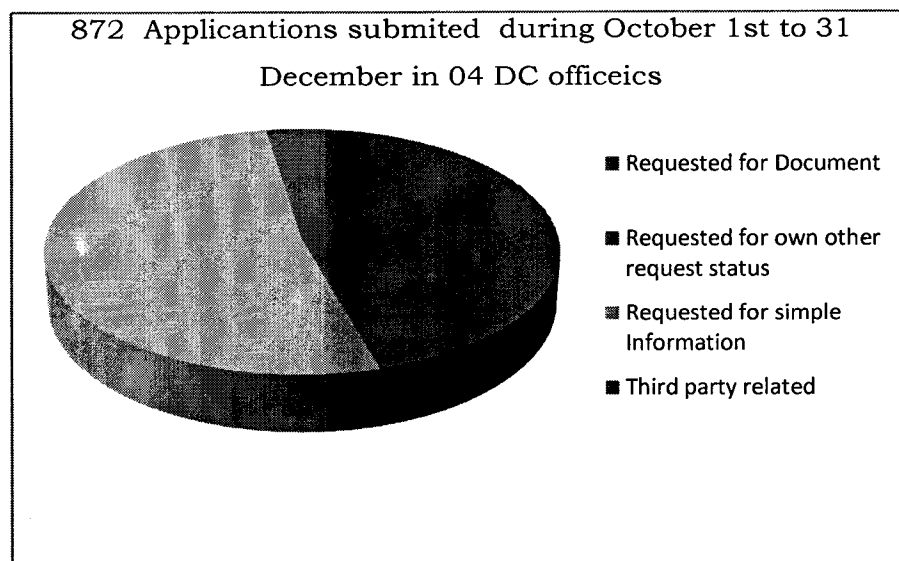
Mr.Vrushabendra Murthy, Secretary of KIC express his opinion on RTI process “Public servants has been treated RTI as last priority, it should become top priority, then Transference and accountability exist in Administration”.

Problems and findings in the Department

1. The Department of Revenue has not appointed Nodal officer for RTI mechanism inspite of clear directions from the Chief Secretary and Principal Secretary of DPAR direction.
2. There is no provision to limitations to submit RTI applications by an individual. Large number of RTI activists submitting large number of RTI applications to single PIO in a single day or within few days to get information. There is an example at Ramnagara, Tumkur, Gulbarga districts. In Ramanagra an individual has submitted 265 applications in a single day at a time. This type of cases disturbs the administrative process and also causes for the failure of the spirit of RTI.
3. High Level Committee (HLC) headed by chief secretary is not working properly in the State level. The HLC should

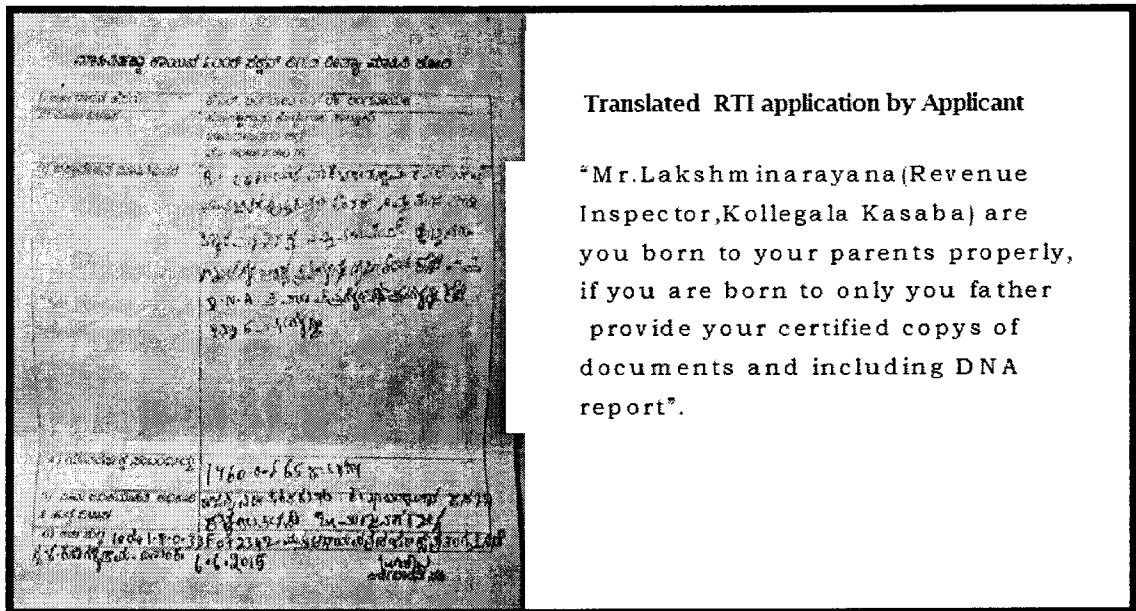
review the departmental progress and performance of RTI with consult of Principle secretary of the department twice in a year. But only six meetings held since 2005 to till date and last HLC meeting held on 2nd March 2016 but it was not attended by the chief secretary. Instead of attending to HLC meeting, he delegated the authority to additional chief secretary. The departmental secretaries and the Additional Chief Secretaries are in the same cadre, it is difficult for the chaired additional Chief Secretaries of HLC to get command because all of them are the same cadre.

4. This study analysis three month received RTI applications in Revenue Department.



More than 50% received RTI applications related to simple information. Less than 5 percent applications sought PIO's and other personal information likely

harassment. A activist by namely Sri Lingaraj has sought information from Mr. Lakshmi Narayana, Revenue Inspectr of Kollegal division like ths. “ are you born to your parents properly, if you are born to only your parents please give me a certified copy and DNA certificate in this regard”. Due to this kind of uneasy and irrelevant information is sought, the officials are not in a position to discharge their duties properly and disturbing their morale. This defeats the very purpose of RTI. His application is appended below:



Source: Copy of RTI application collected from DC office Chamarajanagara.

5. It is found that The Chief Information Commissioner of KIC, Mr.N.Krishnamurthy and other all Commissioners have decided (Full Bench of KIC Commissioners) to Black List few RTI Activists, who are creating sensation and misusing the RTI Act for personal reasons. He also

expressed his opinion to increase primary fee for RTI application from Rupees 10.00 to Minimum 50.00 Rupees.

CIC Mr. N.Krishnamurthy also expressed the limitations of the Information commission. He says “the Commission is teeth less” and we don’t have rights to punish irresponsible officers, we are struggling to get annual report of the departments. The Principle Secretaries are not responding to our letters and requests and also not implementing the KIC judgments’ and suggestions in their departments. Therefore we are not prepared our annual report of 2014-15 till (January-2016) and also KIC proposed recommendations and suggestions in previous nine reports are not implemented.

6. In the department of Revenue, on an average 10 per cent of the RTI applicants are withdrawing their RTI applications with a letter even though the RTI Act 2005 doesn’t have provision to withdraw the RTI application from PIO’s. Interestingly most of the withdrawal applications related to development work and finance. It may be due to involvement corruption which leads to the failure of RTI which is brought to contain corruption.
7. The PIO’s of the public authorities are working without responsibility. Most of the PIO’s send office memorandum to pay additional payment after 30 to 60 days. Some other PIO’s sending letter to pay Rs.4, to Rs.10 with registered letter with Rs.23 to Rs.45 expenditure. The

PIO's working in head office are not interested in providing the information in their premises, they are directly send the RTI letter to local of subordinate office in wider number.

8. Communication gap and pushing the responsibility between existed in PIO and APIO in the public authorities. The PIO is responsible for the disposal of RTI applications but practically PIO have huge administrative responsibility. Usually each RTI application attended by office assistants or case worker of office or superintend or manager. If office assistants are not prepared the information, penalty will goes to PIO.

In all Public offices, dispatch and receiving clerks are receiving the letters including RTI applications. There is no provision and necessity to meet PIO and APIO to submit RTI applications. Therefore office assistant or section chief has become APIO to provide the information and assist the PIO of the public authority.

This comparative study is made and analyzed among the selected 872 RTI applications from 04 District offices. RTI applicants during the period from 1st October 2015 to 31st Deember 2015 have sought only small and one line statistics or statement related to information. The Revenue Department almost spent more than 65 human hours and Rs.3000.00 for postal and other charges for only 115 RTI applications

disposal. Over 24 applications have been withdrawn from the applicants.

Chapter - 04

Findings and Recommendations

The RTI Act has been used an effective instrument to promote transparency and accountability in administration. The applicants and majority of PIO's lack of awareness and competencies required to use of RTI in right manner. As a result the government programs, public utility services and Public distribution systems have not reached all the public. As a result the disadvantaged groups often find themselves on the receiving end of corrupt practices, inefficiency and nepotism by the government.

1. Appointment of RTI Co-ordinator compulsory in the head office/secretariat.

The Department of Personnel and Training (DoPT) make a strict rule in RTI act to appointment of RTI Co-ordinator in each department, but the departments are not interested to appoint co-ordinators. It is recommended to appoint co-ordinators at all levels immediately. The Co-ordinators should be:

- a. Not less than the rank of Deputy Secretary and in branches of the department, additional director Rank is preferred.
- b. He should be made responsible to implementation RTI rules and guidelines with effective manner.

- c. He must take care to update and disclose the maximum information in department website under RTI link.
- d. He should monitor the RTI applications disposals regularly and communicates with PIO's through updated orders and circulars.
- e. The co-ordinator has to take initiatives to prepare quarterly, half yearly and annual reports with actual facts.
- f. The DPAR's in state governments and DoPT of central government has to initiative to serve the RTI related circulars and updates to directly co-ordinators of the different departments.
- g. The co-ordinator must maintain the PIO's and their e-mails so as to update the information to all immediately.

2. An e-Mail channel to PIO's, Appellate authority and co-ordinator.

The DoPT make strict guidelines to create and operate e-mails to all PIO's, Appellate authority and co-ordinator to successful operations of RTI Act (only for RTI purpose). E mail based

- a. The e-mails are useful to communicate the applicant to pay additional pay and to provide the information.

- b. This promotes submission of e-mail based RTI application directly to PIO's using with the e-IPO (e-Indian Postal order) SC/ST Caste Certificate and BPL scanned copy.
- c. The e-mails must be started with rti.pio_name of the public authority and make it mandatory to all departments.
- d. The DoPT take laws perspective initiative to promote ecological friendly models to serve information under RTI. The e-mail correspondence is best method to it.
- e. The Information provide to applicant through e mail, if applicant provide e mail. It is also economy and ecological friendly.

3. Declare RTI hour in particular time in a day.

One hour in a working day may be declared as Information hour to communicate with people in person and telephone call. The PIO should answer information if available and also facilitate to answer through respective PIO. Every day 3.00 PM to 4.00 PM is suitable time to declare Information Hour. The government of India should make the policy and propaganda to effective implementation RTI Act.

4. Integrated information toll free call centre.

His study recommended establishing an integrated toll free call centre for RTI. The call centre operator connecting to applicant asked Department/Section APIO or PIOs. The applicants will get their required information without filling the RTI application in free of cost. Around 40 percent of Information related queries settled with RTI Information call centre and at least 30 percent RTI applications will be reduces in feature.

This is very useful to both administrative machinery and citizens. Firstly thousands of human resource hours of staff is utilize to other administrative work. Secondly large amount of postal charges saved to the exchequer. Government spends average Rupees 25 for each RTI application.

- a. **2005** is becoming toll free number for RTI across the country for both central government and all stte governments.
- b. This toll free Information call centre working in Information Hour only. There is no disturb to regular administrative work and file movement.

5. Declaration of RTI day.

This study recommended that **12th October** may be declared as RTI day. The DoPT and Personnel departments of all states have take initiative to declare RTI day with effective propaganda.

May be application fee relaxation to who are submitting RTI application in the RTI day, and full day activation of RTI Toll free centre is very meaningful and wide range awareness spread to common man.

6. Limitations of RTI applications to a particular PIO.

The RTI act should be amended to restrict the number of applications to a particular PIO in public authority. Some of the RTI activists submit an average 50 to 100 applications, it' becomes a stress on administration and PIO's. Regular administrative functions in public authority is a setback due to the RTI application disposal.

- (a) Act or Rules should be made limiting 10 RTI applications to a particular PIO in a month from an individual.
- (b) The limit to submit RTI applications in each PIO should be 10 and all applications should not be submitted at once.
- (c) Payment to one application and additional applications may be accepted, if it is related to common case worker.

7. High Level Committee (HLC) meeting should be held regularly once in six month in the State.

The HLC should be conducted regularly at least once in six months. The HLC must observe and analysis the performance of RTI in each department. The meeting report and minutes must be submitted to the Legislative Assembly through the Governor of the state. The State SIC should take initiative to submit HLC report to the Governor of the State without fail.

8. The HLC meeting should be headed by SIC of the state.

The HLC must be chaired by the CIC of the State. The CIC is an independent and autonomous authority under the RTI Act and he has to be upper rank than Chief Secretary.

9. Computerization of RTI application process and Automatic registration to first and second appeal.

The Centre and states must upgrade online application receiving and Computerization in RTI application process and Automatic registration to first and second appeal. Once a PIO not disposed an RTI application, after stipulated time, applications should be automatically transfer to first appellate authority under the Act.

Suppose the first appellate authority not taken initiative to dispose the applications well in time, those

applications automatically transfer to the respective information commission under the second appeal through computerised automation system.

10. Black list

Black list concept should be introduced under the RTI rules. If any applicant misbehave with administrative staff with RTI application should be added to the black list.

- (a) Information Commission should be authorized to decide the criteria to put in black list.
- (b) At least two member (Commissioner) bench has to decide, an applicant's offence attracts in eligibility to put in black list.
- (c) If an applicant is black listed he will lose his change to seek information, relief, and compensation and also file fresh RTI application to any authority.

11. Filing of criminal case against RTI applicant harassment to PIO.

If an applicant habitually harass PIO through the RTI applications, demanding money and human handling is to be consider as crime under Indian Penal Code who's vulgarly information asked in letter.

12. Prohibit the with drawl of RTI applications.

The RTI Act does not permit to withdraw RTI application. Somebody misusing RTI like taking back of the

application for the sake of money. For solving this problem withdrawal of RTI application must be banned.
