Chapter – 5

**Karnataka State Pollution Control Board**

The Karnataka State Pollution Control Board [KSPCB] is a regulatory authority mandated to protect the environment. The Board seeks to achieve its objectives by way of implementing and supervising various laws, rules and regulations framed in this regard by the Central and State Governments

The proactive disclosure manual or handbook of any public authority should normally start with a brief historical background about its origin, growth etc. Thereafter the vision and mission statement of the public authority should find mention in the manual. The logo of the State Government along with the logo of the public authority (if different) should be printed in the first page. A preface or introduction written by the head of the public authority explaining in brief the purpose of the manual should form part of the manual. It should be signed, dated and the place of issue mentioned. Though the manual need not contain the provisions of the RTI Act, it is the additional information that may be included to assist information seekers. An overview of the RTI Act highlighting the procedure followed for obtaining information, the amount to be remitted etc. should be included in the manual.

However the manual of KSPCB does not contain this introduction.

**‘A’ Category Indicators (High Importance)**

As per the Audit Methodology TEN indicators have been identified for evaluating A Category. The Manual of KSPCB is evaluated against these indicators.

1. **Language of the Manual**

It is essential that the proactive disclosure should be both in English and in the vernacular. The KSPCB Manual is available in English and Kannada. But the Kannada version is incomplete and does not include all the information as required by the RTI act. Hence the Kannada version is partial.

The website also includes the rules and regulations pertaining to RTI issued by Government of Karnataka. The KSPCB has also complied with the requirements of Section 4(1)(b) ie cataloguing and indexing of records. Besides, KSPCB has included the details of RTI applications received, disposed etc.

2. **When was the Manual updated**

The Manual does not indicate the date of updation. The website also does not contain the date of updattion. However during the discussion with the officials of KSPCB it was indicated that the Manual is being updated regularly. It was last updated in November 2011. However the details of RTI applications are not updated since June 2006.

3. **Dissemination of information**

The KSPCB has taken steps to disseminate the contents of the Manual. A copy of the Manual has been exhibited in the notice board of the Central Office at Bengaluru. The KSPCB is furnishing copies of the Manual on payment of Re.1 per page on submission of application under the RTI Act.

4. **Procedure followed in decision making**

The decision making process in a public authority is crucial for promoting transparency. Under Section 4(1)(b)(iii) of the RTI Act public authorities are required to publish the ‘procedure followed in the decision making processes including channels of supervision and accountability’. This requirement is included in order to overcome a specific problem citizens face in the course of their interaction with the authorities/case workers. The ignorance on the part of the citizens about the rules and regulations and the chain of decision-making has lead to corruption and bribery. Hence it is important that the decision making process is explained in the Manual. The information provided in the KSPCB Manual is too brief and it does not help a citizen to understand the decision making process.

5. **Norms for discharge of functions**

Under this head public authorities are expected to publish the details of the services rendered by them, the procedure to be followed, the documents to be submitted, the time limits within which the service will be delivered, the responsibilities of the officials who are designated to provide the service etc. The norms are akin to Citizens’ Charters. Norms are standards against which accountability in the decision-making process may be demanded. In the absence of norms every action is likely to be coloured by arbitrariness.

The KSPCB Manual stands out excellent in this respect. The KSPCB has prepared a detailed Citizens Charter and annexed to the Manual. The Citizens’ Charter gives the various services offered by the KSPCB, the time limits, the applications/forms to be used, etc.

6. **Budget allocated for each agency including all plans, proposed expenditures and disbursements made etc**.

Information about the budget allocated to the public authority and how it is proposed to be spent should be made known to the public. Fiscal transparency builds confidence among the citizenry and they will be able to monitor proper use of the taxpayer’s money. Though the Central and State Budgets are available easily, the same is not the case with budgets for local institutions. For instance the budget allocated to the district hospital, police station or a government owned educational institution is rarely made public. The intention of the law makers in including this provision is to ensure that local people know how much money is allocated to their village, taluk, district etc. and for what purpose.

The KSPCB Manual includes the details of actual expenditure for the previous three years and the budget for the year 2009-10. The statement needs to be updated by incorporating the budget for 2010-2011. The Manual does not give the break up of the budget allocated for District Level Offices.

The very purpose of making public the budgetary allocation is lost if the details are missing. The Government of Karnataka has introduced the Monthly Program Implementation Calendar (MPIC) which requires each of the public authority to prepare the monthly budget, financial and physical progress for each of the schemes. It also reveals the performance or non-performance of the public authority. More information about MPIC is available at: <http://www.kar.nic.in/finance/mpic/planmon.htm>. The MPIC should also be hosted in the website. However neither the Manual nor the website of KSPCB contains the MPIC.

7. **Manner of execution of subsidy programmes**

The public authority is required to furnish in details of the various programs executed by it and the amount of subsidy provided. The KSPCB is a regulatory body and hence no programs with subsidy component are implemented. Hence this item is not applicable to KSPCB

8. **Particulars of recipients of concessions, permits or authorizations granted**

The proactive disclosure Manual should reflect the particulars of various concessions, permits etc. granted along with the eligibility criteria, the documents to be furnished and other details. The Manual of the KSPCB contains the relevant information in a separate annexure. But the list of recipients of the concessions etc. is not available in the Manual.

9. **Are important policies or decisions which affect public informed them [Sec**

**4(1)(c)**

10. **Are reasons for administrative or quasi-judicial decisions taken communicated to affected persons [Sec 4(1)(d)]**

Dissemination of information about the above two categories is very essential for all Public Authorities. However for public authorities like the KSPCB, which has to interact with the public, the above information is crucial. The KSPCB being a regulatory body enforcing regulations relating to environment protection, has to inform the public about its policies, decisions etc.

However it is observed that the Manual prepared by KSPCB does not comply with the above requirements. There is no mention of the above clauses.

**‘B’ Category Indicators (Medium Importance)**

Under this category EIGHT indicators have been identified against which the Manual is evaluated.

1. **Form of accessibility of information Manual**

The manual containing the proactive disclosure needs to be made available to the citizens. Easy accessibility is the hallmark of transparency. The Manual of KSPCB is available on the website site and at the respective offices. However the manual is not provided against simple requests. The KCPCB is insisting on application under RTI Act.

2. **Whether the Manual is available free**

No. The manual is not supplied free of cost.

3. **Rules, Regulations, instructions etc. used by the Public Authority**

Public Authorities are supposed to follow several Rules, Regulations, instructions and other legal instruments for discharging their day to day obligations. These rules and regulations provide a benchmark to evaluate whether the public authorities are functioning as per the legal framework prescribed. Hence the RTI Act requires the public authorities to disclose the list of rules, regulations etc. which they are supposed to follow. The public can monitor the functioning of public authorities by using this information.

4. **Categories of documents held by the authority under its control**

Under this clause the Public Authorities are required to list out the documents held by it under its control. Though the public authorities cannot list out all the documents, those that are of public importance and that which has a bearing on the services provided to the public are to be listed out and published.

The KSPCB has clubbed the above two clauses. It has **not** listed out the description of the various Acts, rules, regulations etc. being used in discharging its functions. The Manual simply states that the relevant rules, regulations and instructions are provided to the enforcing officers.

5. **Information available in electronic form**

This clause and Section 4(1)(A) of the RTI Act are interlinked. While this clause requires the public authority to inform the public about the documents/information available in electronic form, Section 4(1)(A) requires the public authority to catalogue and index the records and host it on the website. The wordings of this clause indicate that the public authority has to list out the documents available in electronic form.

But the Manual of KSPCB does not contain details of the documents available in electronic form. Instead it says that the website contains information required by the public. This is not what the RTI intended.

6. **Particulars available for citizens for obtaining information [Sec 4(1)(b)(xv)]**

Public Authorities are required to put in place a system where information is provided through various means. It is not that citizens have to follow the RTI route to obtain information. Using RTI Act should be a last resort of the citizen. Public authorities can install sufficient notice boards use ICT to send messages, open May I Help Counters, fix up a particular time for officials to meet the public etc. Keeping Suggestion and Complaint Boxes at strategic places is another way of getting to know what people want.

The Manual prepared by KSPCB contains detailed information about the facilities available for the public for obtaining information. The Manual gives the details of the Help Desk, the timings, address where the help desk is located etc.

7. **Any other information as may be prescribed**

8. **Details regarding receipt & disposal of RTI application**

The KSPCB has hosted the details of RTI applications received and disposed off by the public authority. It has given this information separately for the Head office and the District Offices. However the data available is outdated and is up to June 2006 only. It needs to be updated.

**‘C’ Category Indicators (Low Importance)**

Under this category SEVEN indicators have been identified against which the Manual is evaluated.

1. **Particulars of its organisation, functions and duties [Sec 4(1)(b)(i)**

Under this clause the Public Authority is required to disseminate information about the structure of the organisation, its functions, objectives, duties and responsibilities etc. A copy of the Organisation Chart can be a supporting document.

The KSPCB Manual contains complete details about the particulars of the organisation, its objectives, functions and duties. The duties and functions of each of the official is explained with designation, name, address etc.

2. **Powers and duties of its officers & employees (Sec 4(1)(b)(ii)]**

The powers of the officials are classified under Administrative, Financial and Technical heads. The Manual prepared by the KSPCB contains the powers and duties of the officials under these three heads. The powers have been explained in detail and a common citizen is able to understand who is accountable for what.

3. **Consultation with or representation of the public in policy Formulation** **or**

 **implementation [Sec 4(1)(b)(vii)]**

The Manual states that it includes 3 non-official members and two chairmen of Zilla Panchyat and public participation through these representatives are ensured. The details of the persons are not included under this head since it is covered under the head ‘Particulars of Organisation, functions etc’

4. **Boards, councils, committees & other bodies constituted (Sec 4(1)(b)(vii)**

The KSPCB has Six Committees. The Manual contains complete details about the various types of committees, its composition, names and address of its members, tenure of membership etc. A fairly comprehensive information is provided.

5. **Directory of officers and employees (Sec 4(1)(b)(ix) and**

Complete list at the Central Office and District Offices provided.

6. **Monthly remuneration received by officers and employees including system of**

 **compensation [Sec 4(1)(b)(x)]**

Complete details as required under the RTI Act is available in the Manual

7. **Names, designation and other particulars of public information Officers [Sec**

 **4(1)(b)(xvi**)

The names of the public information officers, assistant public information officers and Appellate Authorities are included in the Manual. The list is provided both for the Central Office and District Offices separately.

**Grading Methodology**

|  |  |  |
| --- | --- | --- |
| GRADES | FINAL SCORE | WHAT DOES IT MEAN |
| A | 81% - 100% of Maximum possible | Highly transparent and RTI Complaint |
| B | 61% - 80% of Maximum possible | Reasonably transparent and RTI Complaint |
| C | 41% - 60% of Maximum possible | Limited transparency and compliance with RTI |
| D | 0-40% of Maximum possible | Poor levels of transparency & compliance with RTI |

**Evaluation Result**

The proactive disclosure Manual of the Office of the Karnataka State Pollution Control Board, Bengaluru, has been evaluated. [Annexure – 1] The Manual has secured a total weighted percentage of **60** and accordingly given **‘C’** grade. It means that the Manual is of limited transparency and compliance with RTI.

**ANNEXURE - 1**

**EVALUATION PROFORMA**

**Name of the Public Authority being Audited/Evaluated**

Karnataka State Pollution Control Board, Parisara Bhavan, No.49, Church Street, Bengaluru – 560 001

**Documents Referred:**

1. Proactive Disclosure as available on the website

**‘A’ Category Parameters (High Importance]**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Parameter** | **Requirement** | **Rating Scale** | **Score** | **Remarks** |
| 1 | Language in which Information Manual/Handbook available | * English
* Vernacular
 | * Both in English and Vernacular: 2
* In one language only: 1
* Not available: 0
 | 2 |  |
| 2 | When was the information Manual Handbook last updated | * Annual updation
 | * During last 1 year:2
* More than 1 year:1
* Not updated at all: 0
 | 2 |  |
| 3 | Dissemination of information widely and in such form and manner which is easily accessible to the public[Sec 4(3)] | * Notice boards, newspapers, public announcements, internet etc
 | * At least two means of communication:2
* Only one means of communication:1
* No means of communication: 0
 | 1 |  |
| 4 | Procedure followed in decision making process [Sec 4(1)(b)(iii)] | * Process of decision making
* Final decision making authority
* Related provisions, acts, rules etc
* Time limit for taking a decision, if any
* Channels of supervision & accountability
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 1 |  |
| **No.** | **Parameter** | **Requirement** | **Rating Scale** | **Score** | **Remarks** |
| 5 | Norms for discharge of functions [Sec 4(1)(b)(iv)] | * Nature of functions, services offered
* Norms/standards for functions/service delivery
* Time-limits for achieving the targets
* Reference document describing the norms
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 6  | Budget allocated to each agency including all plans, proposed expenditure and reports on disbursements made etc[Sec 4(1)(b)(xi)] | * Total budget for the public authority
* Budget for each agency
* Revised budget, if any
* Report on disbursements made and place where the related reports are available
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 1 |  |
| 7 | Manner of execution of subsidy programmes Sec [4(1)(b)(xii)] | * Name of the program
* Objective of the program
* Procedure to avail benefit
* Duration of the scheme
* Physical and financial targets of the program
* Eligibility criteria for grant of subsidy
* Details of beneficiaries of subsidy program
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | NA |  |
| 8 | Particulars of recipients of concessions, permits or authorizations granted by the public authority[Sec 4(1)(b)(xiii)] | * Concessions, permits or authorizations, granted by public authority
* For each concessions, permit or authorization granted
* Eligibility criteria
* Procedure for getting the concession/grant and or permits or authorizations
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | NA |  |
|  |  | * Name and address of the recipients given concessions/permits or authorizations
* Date of award of concessions/permits or authorizations
 |  |  |  |
| 9 | Are important policies or decisions which affect public informed to them?[Sec 4(1)(c)] | * Publish all relevant facts while formulating important policies or announcing decision which affect public
 | * At all times: 2
* Sometimes:1
* Never: 0
 | 0 |  |
| 10 | Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons [Sec 4(1)(d)] | * Provide reasons for its administrative or quasi judicial decisions to affected persons
 | * At all times: 2
* Sometimes: 1
* Never: 0
 | 0 |  |
| Category Score (A) (Sum of Scores across all A Category parameters) | 9 |  |
| Maximum possible Category ScoreSum of maximum scores across all ‘applicable parameters’Category Percentage (A)[Total Score (A)/Maximum Score Possible] X 100 | 1850% |  |

**‘B’ Category Parameters (Medium Importance)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Parameter** | **Requirement** | **Rating Scale** | **Score** | **Remarks** |
| 1 | Form of accessibility of information Manual / handbook | * Electronic format
* Printed format
 | * In both formats:2
* In one format only:1
* Not available:0
 | 2 |  |
| 2 | Whether information Manual/handbook available free of cost | * Free or
* At a reasonable cost of the medium
 | Cost at which available* Free: 2
* At reasonable cost: 1
* At high cost: 0
 | 1 |  |
| 3 | Rules, regulations, instructions, manuals and records for discharging functions | * Title and nature of the record/manual/instruction
* Gist of contents
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 1 |  |
| 4 | Categories of documents held by the authority under its control | * Title of the document
* Category of document
* Custodian of the document
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 0 |  |
| 5 | Information available in electronic form | * Details of information available in electronic form
* Name/title of the document
* Location where available
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 0 |  |
| 6 | Particulars of facilities available to citizens for obtaining information | * Name and location of the facility
* Details of information made available
* Working hours of the facility
* Contact person and contact details (Tel, fax etc)
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 7 | Such other information as may be prescribed under Section 4(1)(b)(xvii) | * Citizens Charter
* Grievance Redressal Machinery
* Details of applications received under RTI Act
* List of completed schemes, projects, programs
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | * List of schemes, projects, programs underway
* Details of all contracts entered into including name of the contractor, amount of contact and period of completion of contract
* Any other information
 |  |  |  |
| 8 | Receipt & disposal of RTI applications | * Details of applications received under RTI and information provided
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| Category Score (B) (Sum of Scores across all B Category parameters) | 10 |  |
| Maximum possible Category ScoreSum of maximum scores across all ‘applicable parameters’Category Percentage (B)[Total Score (B)/Maximum Score Possible] X 100 | 1662% |  |

**‘C’ Category Parameters (Low Importance)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Parameter** | **Requirement** | **Rating Scale** | **Score** | **Remarks** |
| 1 | Particulars of its organisation, functions and duties | * Name and address of the organisation
* Head of the organisation
* Key objectives
* Functions and duties
* Organisation chart
* Any other details
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 2 | Powers and duties of its officers and employees | * Powers and duties of officers (administrative, financial and judicial)
* Powers and duties of other employees
* Rules/orders under which powers and duties are derived
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 3 | Particulars of any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation thereof | * Relevant rule, circular etc
* Arrangement for consultation with or representation by the members of the public in policy formulation /policy implementation
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 0 |  |
| 4 | Boards, councils, committees and other bodies constituted as part of the public authority | * Powers and functions
* Whether their meetings are open to the public?
* Whether the minutes of the meeting are open to the public
* Place where the minutes if open to public are available?
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 5 | Directory of officers and employees | * Name and designation
* Telephone, fax and email ID
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No.** | **Parameter** | **Requirement** | **Rating Scale** | **Score** | **Remarks** |
| 6 | Monthly remuneration received by officers and employees including system of compensation | * Name and designation of the employee
* Monthly remuneration
* System of compensation as provided by its regulations
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| 7 | Names, designations and other particulars of public information officers | * Name and designation of the PIO, APIO and AA
* Address, telephone numbers and email ID of each designated official
 | * Fully disclosed: 2
* Partially disclosed: 1
* Not disclosed: 0
 | 2 |  |
| Category Score [C][Sum of scores across all C category parameters] | 12 |  |
| Maximum Possible Category ScoreSum of Maximum Scores across all ‘applicable’ parameters | 14 |  |
| Category Percentage [C]Total score[C]/maximum Score Possible] X 100 | 86% |  |

## Generating the Final Score and Grade for the Public Authority

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sl.No. | Percentage | Percentage Obtained | Weightage | WeightedPercentages |
|  | 1 | 2 | 3 | [2 X 3] |
| 1 | A Category Parameters | 50 | 0.5 | 25 |
| 2 | B Category Parameters | 62 | 0.3 | 18 |
| 3 | C Category Parameters | 86 | 0.2 | 17 |
| Final Score[Sum of weighted percentages across A, B & C Categories] | 60 |
| GRADE | **C** |