



ACKNOWLEDGEMENTS

- 1. This is the third Annual Report of Karnataka Information Commission. The data for preparation of these reports is collected from thousands of Public Information Officers, First Appellate Authorities and Public Authorities spread all over the State. According to the data provided by the departments, the total number of public authorities in the state was 65815 and the total number of public information officers was 74086.*
- 2. It is, by any yardstick, a gigantic task and it would be well nigh impossible to acknowledge contribution of all the participants who made this report possible. But let us begin at the beginning and acknowledge the contributions made by the two great institutions of Public Information Officers and Public Authorities, who are responsible for creating and compiling the base-line data.*
- 3. Officers of National Informatics Centre have done an excellent job, not only in helping collection of the data but also in putting this report together at every stage. We also acknowledge the contribution of Director, Department of Translation, Government of Karnataka and her staff for translating this report.*
- 4. Chief Secretary to the Government of Karnataka and his team of Principal Secretaries and Secretaries of the various Departments in the Government deserve our thanks for providing the required inputs. Our grateful thanks are due to the Director, Department of Printing and Stationery, Government of Karnataka and his staff for their role in bringing out this report in the most presentable form.*
- 5. The officers and staff of the Commission have done a creditable job of putting all the inputs in-place; starting with keying the requisite inputs into the General Receipt Register, from where it all starts, till the type-writing of the last word into this report.*

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Chapter – I

INTRODUCTION

1.1 This report is prepared by the Commission under section 25 of the Right to Information Act, 2005, which section reads as follows:

(1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates:

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or State Information Commis-

sion, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernization, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this

Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

*1.2 There have been some delays in preparing these reports and recently **the Committee on Papers laid on the table of the house** has taken up this issue for consideration. The delays are mainly attributable to delayed submission of required information by the Government Departments to the Commission.*

1.3 Government Departments, especially those having a very large number of public authorities under them, are facing considerable difficulties in collecting and compiling the required information.

1.4 One significant problem has been identification of all the Public Authorities under each department. For example, initially the Registrar of Cooperative Societies issued a circular stating that all cooperative societies in the State are Public Authorities for the purposes of the Right to Information Act, 2005. However according to subsequent judgments of Karnataka High Court (W.P. 16901/06 dated: 30-06-2008), cooperative societies including cooperative banks (unless they are substantially financed by the Government) are not Public Authorities under the Act. (Madras High Court has however held that cooperative societies are Public Authorities). Further, the High Court of Kerala in its order has stated that all the Co-operative Societies come under Section 2(h) of the RTI Act (Order No. KLT 507/2008).

1.5 Government aided private educational institutions have also claimed that they are not Public Authorities, but the Commission has so far held that the aid provided by the Government to such institutions is substantial and therefore they are covered within the definition of public authority under the Act. Madras High Court has held that an aided private recognized school, which is a non-Governmental organization but which is substantially financed by the State, comes under the purview of the Right to Information Act, 2005.

1.6 Commission has also held that BIAL (Bangalore International Airport Limited) is substantially financed by the Government and is therefore a public authority. Subsequently in a separate decision, Karnataka High Court has held that BIAL is State for the purpose of **Article 16 of the Constitution and is therefore subject to the Court's writ jurisdiction.**

1.7 More recently this Commission has clarified that all Heads of Government offices, who maintain their own records and / or record rooms, are public authorities under the Act. This decision has wider ramifications. However it provides an easy way for identifying the public authorities among Government functionaries. The Government departments would however be required to identify and document the list of all the Public Authorities under their control according to this clarification.

1.8 All these newly identified Public Authorities would be required to comply with the provisions of section 4 of the Act. Under section 4(1)(b) of the Act, Public Authorities are required to publish a suo-moto declaration which inter-alia in-

cludes powers and duties of its officers and employees, procedure followed in decision making process and norms set for discharge of its functions. This part of the suo-moto disclosure is very much akin to a 'citizen's charter'. Commission is therefore of the view that there should be uniformity in the suo-moto disclosures issued by the Public Authorities of a Department carrying same designations located in different geographical areas. For example, functions, responsibilities and the norms etc. of the Deputy Commissioners of the districts should be more or less the same across the State. Commission therefore has proposed to support a series of work-shops to be organized for drafting such documents in the nature of citizen' charters.

1.9 Various Courts and Commissions have also passed important orders regarding the information which can be divulged under the Act. In a significant judgment, Kerala High Court has held that right to information is recognized under Article 19 of the Constitution and provisions of the Act ensure maximum disclosure and minimum exemptions, thereby clearly establishing that disclosure is the rule and unless the information is specifically exempt, it has to be provided.

1.10 Madras High court has held that even in case of personal information, the final word rests on the State Public Information Officer's or the Appellate Authority's satisfaction, whether the larger public interest justifies the disclosure of such information.

1.11 This Commission was the first to allow the students and the candidates to access their examination answer-scripts.

Subsequently, the Calcutta High Court in Pritam Rooj Vs.. University of Calcutta and others has held that an examinee must have access to evaluated answer scripts. The Court has observed that the Act begins with the citizen's right to information and ends with the information being made available to him or his request being justly rejected on the grounds recognized by the Act. What happens before and what may be the consequence of the information being made available or rightfully denied, is a matter beyond the operation of the Act.

1.12 As regards information relating to assets and liabilities of Government employees, Karnataka High Court had first passed an order (W.P.No. 10663/2006 dated: 1-7-2008) that this information cannot be provided under the Act. However in a subsequent judgment (W.P.No. 7953/2007 dated: 16-7-2008), this order has been reversed and it has been held that this information must be provided.

1.13 Commission is of the view that there is an urgent need to document such important decisions and make them available to the PIOs for their guidance.

1.14 In view of the delay in publishing these Annual Reports by the Commission, some of the decisions / information for the reference period may become outdated. Commission has therefore decided that to the extent possible, the information covered in its reports would be the latest available as on the date of compilation of the report.

1.15 Commission has also decided to undertake a project with assistance from Government of India to make the Commission a 'less paper office'. Once the project becomes opera-



tional, it would help the Commission in organizing its work, improve its work-practices and make more information available on its web-site.

1.16 Two agencies, NIC (National Informatics Commission) and CGG (Centre for Good Governance, Hyderabad) have helped the Commission in designing and improving its systems and its web-site. Commission takes this opportunity to thank them for their help and support.

1.17 Commission also expresses its gratitude to the State Government and especially to Sri Sudhakar Rao, the Chief Secretary, Smt. Vatsala Vatsa, the Additional Chief Secretary and Sri Tapan Senapati, the Principal Secretary, DPAR (Janaspandana) for their unstinted support to the cause of 'right to information'.

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Chapter – II

IMPORTANT EVENTS DURING THE YEAR UNDER REPORT

2.1 During 2007-2008, there were some important RTI related events both at State and National level which have been briefly accounted here:

National Review meeting on the Right to Information Act, 2005 conducted by the National Campaign for People's Right to Information on 29th and 30th September 2007 at New Delhi:

2.2 National Campaign for People's Right to Information (NCPRI) conducted a National Review meeting on implementation of RTI Act, 2005 at Sanskriti Anandgram in New Delhi on 29th & 30th of September 2007. Sri K. K. Misra, State Chief Information Commissioner and Sri K. A. Thippeswamy, State Information Commissioner participated in the National Review meeting. The NCPRI had gathered information through a questionnaire to analyze the status of implementation of RTI Act, 2005 in various States across India. Reviews were incorporated in citizens' report and presented for discussions. With these findings as backdrop, the discussions were centered on issues like 2 years of RTI – uses and impact of RTI on democratic India, uses of RTI as grievance redressal mechanism, exposing corruption, basis for social audit and impact as sense of empowerment etc. On 29th September 2007, various aspects relating to implementation of RTI Act were discussed. A special session was also held for discussion with Information Commissioners of Central Information Commission and State Information Commissions, where experience and learning from last two years and issues related to Information Commissions were discussed.

2.3 A special session was held on ‘RTI as satyagraha’ at the Nehru Memorial Museum and Library, Teenmurti Bhavan. Sri Gopal Gandhi, Governor of West Bengal, delivered the keynote address highlighting the principles of satyagraha and use of RTI as a tool for satyagraha. There were comments by panelists namely Sri Prabhath Joshi, Smt. Aruna Roy and Prof. Mruchula Mukherjee on RTI and its implementation. The session was presided over Late Sri V. P. Singh, former Prime Minister of India.

2.4 On the second day, issues like threats to democracy, areas of challenges to the RTI, presentation on implementation of RTI by States, future strategies and way forward – plan for each State were discussed.

2.5 Participants of the National Review meeting mainly constituted activists from various States including Sri Shailesh Gandhi, Smt. Aruna Roy, Sri Shekar Singh and Sri Nikhil Dey, Justice Sri A. N. Verma, Retd. Chief Justice of Supreme Court of India, Chief Information Commissioner and Information Commissioners of Central Information Commission and Chief Information Commissioners and Information Commissioners of the State Information Commissions.

Conference of the Central Information Commission with the State Chief Information Commissioners and Information Commissioners on 17th October 2007:

2.6 Central Information Commission and Government of India in Department of Personnel and Training organized a conference of the Central Information Commission with Chief



Information Commissioners and Information Commissioners at India International Centre Auditorium at New Delhi on 17th October 2007. Conference began with the welcome addressed by Sri Wajahat Habibulla, Chief Information Commissioner, Central Information Commission, New Delhi. There were four interactive sessions.

2.7 First session was devoted to the topic “enforcement of section 4”. Presentation on “enforcement of section 4” was made by Sri Wajahat Habibulla, Chief Information Commissioner. Smt. Radha Chouhan, Principal Consultant, NEGP-PMU, Department of Information Technology, made a presentation on e-District Projects.

2.8 Second session was devoted to autonomy and other administrative matters relating to the Information Commissions. Sri R. S. Mooshahary, State Chief Information Commissioner, Assam and Sri D. K. Gajmer, State Chief Information Commissioner, Sikkim, made presentations.

2.9 Third session was on “enforcement of decisions and penal clauses of the Act”. Presentations were made by Sri V. V. Giri, State Information Commissioner, Kerala, and Sri Venkataratnam, State Chief Information Commissioner, Goa.

2.10 Fourth session was devoted to “Future evolution of the RTI regime”. Sri A. K. Vijayavargiya, State Chief Information Commissioner, Chattisgarh, made a presentation on the subject, which was followed by presentation by Sri Tolia, State Chief Information Commissioner, Uttarkand.



2.11 In the concluding session, Sri A. N. Tiwari, Central Information Commissioner summarised recommendations of the interactive sessions to Sri Suresh Pachouri, Minister of State, Department of Personnel and Training, Government of India. Sri Suresh Pachouri delivered the valedictory address.

2.12 In the evening, the participants called on the President at Rashtrapathi Bhavan.

One day workshop on RTI Act on 23rd February 2008 at Gulbarga by Hyderabad Karnataka Education Society's Seth Shankarlal Lahoti Law College, Gulbarga, and Hyderabad Karnataka Environment Awareness and Protection Organization, Gulbarga:

2.13 Hyderabad Karnataka Education Society's Seth Shankarlal Lahoti Law College, Gulbarga and Hyderabad Karnataka Environment Awareness and Protection Organization, Gulbarga organized a one day workshop on Right to Information Act, 2005 on 23rd February 2008 at Gulbarga. This workshop was inaugurated by Sri K. K. Misra, State Chief Information Commissioner. Sri K. A. Thippeswamy, State Information Commissioner attended the workshop. Dr. H N Krishna, State Information Commissioner had participated in the closing ceremony of this workshop.

2.14 The participants were Law College students, environmental activists and also general public. Apart from the activists and others, management of Hyderabad Karnataka Education Society also showed keen interest in organizing the workshop for creating awareness regarding use and implementation of Right to Information Act.



Meeting of National Co-ordination Committee on RTI Act at Bangalore on 8th March 2008:

2.15 In pursuance to the decision taken in the 2nd conference of Chief Information Commissioners and State Information Commissioners, Central Information Commission constituted a sub-committee to coordinate implementation of suggestions and recommendations made by Information Commissions including suggested amendments to RTI Act, 2005.

2.16 Committee consisted of 10 members, comprising nine State Chief Information Commissioners and one Central Information Commissioner. Sri K. K. Misra, State Chief Information Commissioner, Karnataka Information Commission was one of the members. Committee held several meetings in the capitals of different States and interacted with the State Chief Information Commissioners and State Information Commissioners of the States. One such meeting was organized at Bangalore on 8-3-2008 at Balabrooie Guest House. The Committee took some major decisions. It decided that all members of the public, NGOs, media, institutions would be invited to give their suggestions on its terms of reference. It was also decided to recommend for establishment of a National Resource Centre for all matters relating to RTI and the Centre for Good Governance, Hyderabad, was requested to prepare a proposal for establishing such a centre. Committee also decided to make recommendations to the State and Central Government to undertake modernization and management of all Government offices. It also recommended establishment of a National portal with link to the websites of



Central Information Commission and all the State Information Commissions.

Two days workshop on Right to Information, sexual harassment at work place, provident fund and service laws organized by JSS Law College, Mysore, on 25th & 26th of February 2007:

2.17 Two days workshop on Right to Information, sexual harassment at work place, provident fund and service laws was organized by JSS Law College, Mysore, along with CREAT, Bangalore on 25th & 26th of February 2007 at Mysore. The workshop was inaugurated by Sri K. K. Misra, State Chief Information Commissioner. Sri K. A. Thippeswamy, State Information Commissioner, also participated in the workshop.

2.18 Participants were mainly institutional heads of various educational institutions run by JSS Vidyapeetha and also the functionaries of Vidyapeetha at various levels. The initiative and efforts taken by JSS Law College to familiarize the students, faculty and the public with new enactments was appreciated.

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Chapter – III

COMPLIANCE WITH THE PROVISIONS OF SECTIONS 4(1)(a) AND 4(1)(b) OF THE RTI ACT BY PUBLIC AUTHORITIES.

Introduction:

3.1 Section 4 of the RTI Act is considered to be the heart of the Act as it provides for voluntary disclosure of basic information regarding the public authority to the citizens. Though the Act became fully operational from 12th October 2005, some of the statutory provisions under sections 4, 5, 12, 13, 14, 15, 16 and 17 came into force even earlier with effect from 15th June 2005. Thus the Act provided ample preparatory time to the Central and State Governments to take necessary steps to create infrastructure, designate PIOs, APIOs and First Appellate Authorities, constitute Information Commissions and train the machinery for implementation of the Act.

3.2 However, most of the Governments and public authorities did not take timely steps in this regard. During this preparatory period, public authorities should have taken action to fulfill their statutory obligations such as the tasks of cataloguing and indexing of the records and publication of proactive disclosures. However, in practice, most of the public authorities did not do so.

3.3 Provisions of sections 4(1)(a) and 4(1)(b) of the Act are reproduced below:

4(1) Every public authority shall —

- a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all**

records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

b) publish within one hundred and twenty days from the enactment of this Act—

- (i) the particulars of its organisation, functions and duties;*
- (ii) the powers and duties of its officers and employees;*
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;*
- (iv) the norms set by it for the discharge of its functions;*
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;*
- (vi) a statement of the categories of documents that are held by it or under its control;*
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;*
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;*
- (ix) a directory of its officers and employees;*
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;*
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;*
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;*

- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;**
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;**
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;**
- (xvi) the names, designations and other particulars of the Public Information Officers;**
- (xvii) such other information as may be prescribed and thereafter update these publications every year.**

3.4 The Act also lays down that it shall be a constant endeavor of every public authority to take steps in accordance with the requirements of section 4(1)(b) to provide as much information suo moto to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Records Maintenance and Management:

3.5 The act defines information as records, documents, circulars, orders, contracts, papers etc. In most cases, applicants seek access to such records and documents. To facilitate such access, proper maintenance and management of records is of utmost importance to enable the citizens to know the class of records held by the public authority and also the PIOs to furnish information sought under the Act. Therefore, it is obligatory for every public authority to maintain all its records under its custody duly catalogued and indexed.

3.6 In practice however, the maintenance and management of records in almost all Government offices continues to be in a state of utter negligence.

3.7 As observed by the Second Administrative Reforms Commission in its first report, the weakest link in our information system is the total neglect of record keeping. Though there have been several attempts to improve record keeping system, there are no desired results more especially with land records maintained by Revenue and Survey Departments, as updating and maintenance of these records is far from satisfactory and in many cases, these records do not exist; they are often fragile even if they exist. At present, there is no enactment on records creation, maintenance, management, preservation and destruction in the State.

3.8 Karnataka Government Secretariat Manual of Office Procedure, which sets out the structure of the Secretariat organization, its functionaries with duties and responsibilities, forms and procedures for work, processing, disposal, monitoring etc. and the Hand Book of Office Procedure followed in the Government offices outside State Secretariat prescribe methods and procedure of office work including duties and responsibilities at all levels. But neither the manual nor the hand book outline or define obligations, responsibilities and course of action of the officials in the event of misplacing or loss of the public records.

3.9 Record Rooms in many Government offices resemble godowns, where public records are dumped haphazardly. There is no proper arrangement of records. The retrieval is therefore a very arduous and time consuming process.

3.10 Wherever any record / document is not traceable, its absence has to be explained in the context of the weeding rules of that particular public authority. Clear cut accountability must be fixed for loss of records. The Commission, in all such cases, has been directing the concerned officers (i) to conduct an internal enquiry to fix responsibility and (ii) to lodge a complaint with jurisdictional police.

3.11 Urgent and immediate steps need to be taken to improve upkeep of record rooms to facilitate quick retrieval. PIOs are increasingly reporting that important records sought by the applicants have gone missing. A number of these are permanent records relating to lands and loss of such records could give rise to fraudulent claims.

3.12 On cataloguing and indexing of the records, it is suggested that the Less Paper Software Application, which is a web-based application developed by NIC and e-Governance Department for cataloguing and indexing applications, may be used. This Less Paper Software Application is similar to the software used in the development of File Monitoring System (FMS) and Letter Monitoring System (LMS) used in Karnataka Government Secretariat i.e., “Sachivalaya Vahini”.

3.13 FMS / LMS in Karnataka Government Secretariat was introduced during the year 2003. All electronic data available in Sachivalaya Vahini can be ported to cataloguing and indexing application. All the records created prior to the introduction of FMS / LMS need to be entered / incorporated using the Cataloguing and Indexing Application developed by e-Governance Department.

3.14 The records available with the Department of Archives, which is acting as a record keeper of important documents, have to be brought on to a distinct Cataloguing and Indexing Application, in-order to prepare a department-wise list of records managed by them.

3.15 The Central Government has enacted ‘The Public Records Act, 1993’ to regulate the control on creation, management, administration and preservation of public records. The said Act provides for punishment up to 5 years for unauthorized destruction of records. Karnataka has no such legislation.

3.16 Commission in its first and second year report has already recommended that the State Government should bring out a similar but more comprehensive legislation to deal with the increasing menace of missing / loss of public records.

3.17 It is learnt that the Department of Archives has since drafted a bill on creation, maintenance and management of records and has sent it to the Government in the Education and Law Departments for consideration. This needs to be expedited.

3.18 Commission reiterates its recommendation made in the first annual report that till such time as a comprehensive legislation is enacted, the Government must direct that loss of government records be treated as theft and / or criminal breach of trust and police must record a FIR and start investigation in all reported cases involving loss of important public records.

Publication of suo-moto disclosures:

3.19 RTI Act imposes an obligation on public authorities to pro-actively disclose, publish and disseminate as widely as possible the information of general public interest about structure, powers, functions, norms of the public authorities, the records they hold, various Acts implemented by them, their budget and opportunities to citizens for consultation, etc. This is particularly important because the public, often has very little knowledge of what information is in the possession of Government.

3.20 The pro-active disclosure requirement under section 4(1)(b) of the Act came into force with the enactment of the Act on June 15, 2005. In any case, public authorities should have complied with this provision of the Act within 120 days from the enactment i.e. by 12th October 2005.

3.21 The Act requires this information to be disseminated widely and in such form and manner which is easily accessible to the public. This information should also be readily made available with the Public Information Officer.

3.22 The medium of dissemination would depend upon the various considerations, language in which information is to be disseminated the accessibility for public if made available in electronic format, etc.

3.23 A very easy and effective method of disseminating this information is through internet. However, a recent survey indicated that a large number of Public Authorities in Karnataka had not displayed this information on their websites.

3.24 Commission while reviewing the statutory publications under section 4 of the RTI Act, during the hearing of complaints / appeals noted that the pro-active disclosure published by the public authorities is far from satisfactory for the following reasons:

(1) They are poorly drafted.

(2) They are incomplete.

(3) They are not being updated annually as required.

(4) The efforts made for dissemination are inadequate.

3.25 Commission is of the view that the compliance with the requirements of cataloguing and indexing of the records and publication of suo-moto declarations should be periodically audited by an independent agency. A standard procedure should be indicated in publication of pro-active disclosure.

3.26 Recommendations of the Commission on this subject have been included in Chapter VI, Recommendations.

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Chapter – IV

GENERAL INFORMATION (COST, COMPENSATION, PENALTIES, ORDERS CHALLENGED AND OUTSTATION SITTINGS)

Cost / compensation awarded under the Act:

4.1 Section 19(8)(b) empowers the Commission to require a public authority to compensate the complainant for any loss or detriment suffered. Further, during the hearing of complaints / appeals, many Respondent PIOs seek adjournment of hearings without any reasonable cause. Sometimes they remain absent, resulting in adjournment of cases, thereby causing inconvenience to the petitioners. In suitable cases, the Commission awards cost of adjournment to be paid by the public authority or by the PIO personally.

4.2 Such cases of awards of cost / compensation have been summarized below in the following table:

Sl. No.	Order No. & Date	Parties	Gist Of Order	Amount awarded	Payment Particulars
1	KIC 164 COM 07 dated 7-06-2007	Sri Sunil S. Har-chirkar Vs.. PIO & EE (Electrical), HESCOM, Sirsi)	As regards application for payment of compensation, Commission is of the view that a sum of Rs. 1,500/- would be sufficient for the detriment suffered by the Complainant in conducting the proceedings before the Commission. Accordingly, Commission directs the Respondent Public Authority viz. the Managing Director, HESCOM, Hubli, to pay compensation of Rs. 1,500/- to the Complainant within 30 days, through Demand Draft / Pay Order payable at Ramanagara, through RPAD, under intimation to the Commission.	1500/-	30/7/2007
2	KIC 64 COM 07 dated 16-05-2007	Sri B. C. Naik Vs.. PIO & Chief Traffic Manager, NWKRTC, Hubli	As regards awarding of compensation, the Complainant has filed one more application on 16-05-07 seeking award of compensation of Rs.7000/- towards the cost of transport, expenditure incurred in attending to the case before the Commission etc. Commission found that the claim made by the Complainant was excessive. After considering all aspects, Commission directs the Public Authority that is NWKRTC Hubli to pay a sum of Rs. 1000/- (Rs. 500/- for attending each hearing before the Commission) to the Complainant towards the detriment suffered by him	1000/-	16/6/2007



			through a "Payees Account only" D.D. or pay order, payable to him at Sirsi, within 30 days, through RPAD, under intimation to the Commission.		
3	KIC 352 APL 07 dated: 24-10-2007	Sri Suresh B. Harchirkar Vs.. AEE, HESCOM, Dandeli, & another	Appellant seeks payment of cost of Rs. 1000/- towards the avoidable expenditure incurred by him towards conducting proceedings before the Commission. Commission directs the Managing Director, HESCOM Hubli, to provide a cost of Rs. 1000/- towards avoidable expenses incurred by the Appellant, within 30 days, through DD or Pay Order, payable at Ram nagara, Joida Taluk, through RPAD, under compliance to the Commission.	1000/-	28/11/200
4	KIKIC 53 COM dated:16-05-2007	Sri N. C.Channabasappa Vs.. PIO & E. E.,Harangi Canal Division, K. R. Nagar	Commission noted inordinate delay in furnishing the information. If the Respondent was prompt in dealing with the request for information, he could have prevented hardship as well as avoidable expenditure on part of the Complainant. Complainant seeks a compensation of Rs. 600/- and Commission directs the public authority namely Cauvery Neeravari Nigama Ltd. to pay compensation for the detriment caused to the Complainant.	600/-	28/9/2007
5	KIC 97 COM 2007 dated 25-07-2007	S.N Subramanya Vs. Director HOPCOMS, Bangalore	Commission considered the submission of the Complainant and directs Sri. Vishwanatha MD HOPCOMS to pay a cost of Rs. 500/- personally to the Complainant for causing the adjournment of the case through DD or pay-order payable in Bangalore within 30 days through RPAD.	500/-	3/9/2007
6	KIC 551 COM 2007 dated: 23-04-07	Sri C. M. Subbaiah Vs.. PIO, Commissioner's Office, BBMP, Bangalore	As regards request for compensation, the Complainant in his written statement has sought a compensation of Rs.14,800/-. Of this, Rs.1800/- is towards transportation, Rs.1000/- towards sundry and incidental expenses and Rs.12,000/- for loss of personal time. Commission is of the view that although the time and effort devoted by Sri Subbaiah in bringing out several irregularities to the notice of the public authority is worth much more, it would not be correct to provide for it except when Commission is levying exemplary damages. Commission, therefore directs that a compensation of Rs.2800/- (Rs. two thousand eight hundred only) be paid to Sri Subbaiah by the concerned Public Authority namely Sri K. Jairaj, Commissioner, BBMP, within one month, through crosses accounts payee DD, to be sent to the Complainant through RPAD, under intimation to the Commission.	2800/-	20/8/2007



7	KIC567COM2007 dated: 7-05-2007	Sri Devidas N. Pisse Vs.. PIO & DRCS, Gulbarga	Therefore, after taking into account all facts, circumstances and the submissions made by the Respondent and in exercise of powers conferred on the Commission under section 20(1) of Right to Information Act, 2005, the Commission hereby levies a penalty of Rs. 250/- on Sri Devraj, PIO and Deputy Registrar of Co-operative Societies, Gulbarga, for delay in furnishing the information as well as not taking action to transfer the relevant portion of the request for information to the concerned PIOs.	250/-	8/10/2007
8	KIC 735 COM 2007 dated: 5-09-2007	Sri Ravindara Vs.. PIO, Disabled Welfare Department, Bangalore	The Commission considered it necessary to allow the application of the Complainant for awarding the compensation for detriment suffered by him. Therefore, the Commission in its power vested under section 19(8)(b) of the Act, directs the Public Authority i.e., the Directorate of Disabled Welfare and Senior Citizen Welfare to pay the compensation of Rs. 500/- towards the detriment suffered by the Complainant, which shall be paid through DD / Pay order, payable at Bangalore, within 30 days, through RPAD and file compliance to the Commission.	500/-	3/10/2007
9	KIC 858 COM 2007 datd: 22-05-2007	Sri Bennur Saibaba Ananda Rao Vs.. PIO & Principal, Composite Junior College, Santapur, Aurad	Commission observed that the Complainant need not have travelled to Bangalore for filing his application, which could have been sent by post. Accordingly, the Commission directs the Public Authority namely, Composite Junior College, Santapur, Aurad represented by its Principal, to pay a sum of Rs.1000/- from the funds of the institution, as compensation for the detriment caused to the Complainant due to delay in supply of information.	1000/-	Not reported
10	KIC 1006 COM 2007 dated 18-04-2007	Dr. Henritta D'costa Vs.. AEE (Bharathinagar), BBMP, Bangalore	Complainant states that she had to leave her medical practice for the day and be present in these proceedings before the Commission Since the Complaint may have to be adjourned due to absence of Respondents, cost of adjournment should be provided to her. Accordingly, in exercise of powers conferred on it under section 19(8)(b) of Right to Information Act, 2005, Commission directs that the public authority namely BBMP, Bangalore shall pay a cost of Rs. 500/- to the Complainant towards the detriments suffered by her due to today's adjournment.	500/-	6/8/2007
11	KIC 1155 COM 2007	Sri N. Shashikumar Vs.. PIO & Tahasildar, Malur taluk	Since absence and noncompliance of the orders of this Commission has made this hearing infructuous, Complainant has been put to unnecessary loss of time and money. Therefore in exercise of powers vested under section 19(8) (b) of Right to Information Act, 2005, the Commission here-	500/-	26/3/2008



	dated: 11-01- 2008		by directs the public authority namely Tahasildar, Malur to compensate the Complainant by paying him Rs. 500/- through a D.D. to be sent to him through registered post within one month from the receipt of this order, under intimation to the Commission.		
12	KIC 1259 COM 2007 dated: 26-07-2007	Sri Suresh Kumar Vs.. PIO & Director Panchayat Raj, RDPR Department, KGS, Bangalore	Complainant verifies the information and states that the information provided is adequate. However, the information was delayed and he must be compensated to the tune of Rs. 200/- for the expenses incurred by him for travel from Kollegal to Bangalore and back. Accordingly, in exercise of powers conferred on the Commission under section 19(8)(b) of Right to Information Act, 2005, Commission directs the Public Authority, namely Principal Secretary, RDPR Department to pay a sum of Rs.200/- to the Complainant through a Demand Draft on Vijaya Bank, Kollegal within one month, through RPAD, under intimation to the Commission	200/-	1/12/2007
13	KIC 1491 COM 2007 dated: 27-11-2007	Sri S. B. Surpura Vs.. PIO, NWKRTC, Bagalkot	Complainant seeks compensation under section 19(8)(b) of Right to Information Act, 2005 for expenses incurred by him for travel from Sirsi to Bangalore and back and stay at Bangalore to represent the case before the Commission. After hearing both the parties, Commission directs that a compensation of Rs. 1000/- shall be paid by NWKRTC to Sri V. N. Bili-gi, through a crossed Demand Draft payable at Sirsi, within one month, through RPAD, under intimation to the Commission. Sri Parathasarathy, Divisional Controller, NWKRTC is directed to comply with this direction of the Commission.	1000/-	11/1/2008
14	KIC 1772 COM 2007 Dated:11-09- 2007	Sri N. Venkateshappa Vs.. PIO & Commissioner, CMC, Robertsonpet, KGF	Advocate for Respondent seeks time to file written statement. She is advised that the summons in this case was issued on 31-7-07 and the Respondent has had more than one and a half months for filing the written statement. Since she is seeking an adjournment, Commission directs a cost of Rs.500 shall be paid by the Respondent to the Complainant through a DD payable at KGF, to be sent to the Complainant within 30 days, through RPAD, under intimation to the Commission.	500/-	12/10/2007
15	KIC 2030 COM 2007 dated01-10-	Sri V. Venkatesh Vs.. Health Officer, Mysore City Corporation	In view of the fact that the Respondent is neither represented before the Commission nor has he sent a compliance report to the Commission as required, this hearing has become infructuous. The Commission, therefore, awards a cost of Rs. 500/- to the Complainant Sri Venkatesh and directs that the Respondent shall send this amount to the Complainant	500/-	12/11/2007



			by a cross DD payable at Mysore, through Registered Post A. D., under intimation to the Commission.		
16	KIC 2348 COM 2007 dated:17-01-2008	Sri M. Chowdappa Vs.. E.O., Taluk Panchayat, Srinivaspura	Under Secretary to the Commission tried to contact the Respondent on phone but was informed that he is on election duty. Since the absence of the Respondent has made this hearing infructuous, Complainant claims a cost of Rs. 500/-Commission decides that this cost should be awarded to him. Accordingly the Commission hereby by directs Sri Gopal, Executive Officer, Taluk Panchayat, Srinivaspura Taluk to pay a cost Rs. 500/- to the Complainant through Accounts Payee Demand Draft payable at State Bank of Mysore, Srinivaspura Branch and send a compliance report.	500/-	Not Reported
17	KIC 3118 COM 2007 dated:02-01-2008	Sri G. Venkatesh Bhovi Vs.. Executive Engineer, Hemavathi Canal Division, Hebbur, Tumkur	Complainant states that Respondent must personally compensate the expenditure to be incurred by him in travelling from Bangalore to Hebbur and back, which would come to about Rs. 300/-.Accordingly in exercise of powers conferred on it under section 19(8)(b), Commission directs the Respondent to pay a compensation of Rs. 300/- (Rupees three hundred only) to the Complainant on 18-01-2008, when he visits his office for getting the photocopies certified.	300/-	24/3/2008



Orders imposing penalties under section 20 of the RTI Act:

4.3 Sections 19(8)(c) and section 20(1) of the RTI Act empower the Central / State Information Commissions to impose penalties provided under the Act on the erring PIOs for delay in providing information, providing incomplete / misleading information or destroying the information etc.

4.4 Following table summarizes the penalties imposed by the Commission during the year:

Sl. No.	Order No. & Date	Parties	Gist of the order	Amount imposed	Payment Particulars
1	437 COM 07 cw KIC 45 COM 07 458 COM 07 486 COM 07 dated 4-09-2007	J.S Renuka Vs. Sri Thimmappa Distrsict Social Welfare Officer, Bangalore	Commission in its order dated 31-05-2005 noted that the Respondent has failed to furnish the relevant information to the Complainant with the stipulated period of 30 days. The Commission in exercising its powers conferred under section 20 (1) of the Act, imposes penalties of Rs 10,000/- on Sri Thimmappa, District Social Welfare Officer, for failure to furnish the correct information within the stipulated period.. This penalty shall be payable by him personally.	10,000/-	31/10/2007
2	KIC 811 COM 07 dated 12-09-2007	K.V. Shivamumar Vs. PIO & Commissioner CMC, Kolar	The Commission hereby levies a penalty of Rs. 1,000 (Rs. one thousand only) on Smt. Syeda Nilofore Jabeen for not furnishing the required information within the specified time without any reasonable cause.	1000/-	20/5/2008
3	KIC262 APL 07C 192 APL 07 dated 20-11-2007	Sri Prakash Vs. District Social Welfare Officer Bellary	The file was very much with the Respondent when the application was made. Further, the Respondent has asked the Complaint to pay additional fee on 26-03-2007, whereas by that time the information should have been provided free of cost. Respondant states that he not fully aware of the provisions of law and therefore he may be excused this time. Although, the maximum penalty of Rs. 25,000/- can be levied in this case, the Commission deems it adequate to levy a penalty of Rs.1000/- only on the Respondent for having delayed the information.	1000/-	5/01/2008



4	KIC 2051 COM 08 dated 20-09-2007	Sri Ramesh Vs. Sri Badar Pasha District Registrar, Gulbarga	The Respondent has kept it with him and has provided the required information to the Complainant only on 31-8-07 after a delay of more than two months. The explanation offered by the Respondent is neither convincing nor acceptable. However taking a lenient view, a penalty of Rs. 500/- only is levied on the Respondent.	500/-	22/10/2007
5	KIC 821 COM 07 dated 15-10-2007	Sri K. Thomas Mulimane Vs. E.O Taluk Panchayat, Manvi	Commission seriously observed the attitude of the Respondent that even after issue of summons twice to the Respondent, he did not furnish the required information to the Complainant. The Commission does not consider the oral explanation of the Respondent proper and valid, imposes penalty of Rs. 10,000/- on the Respondent Sri Veera Naik, Executive Officer, Taluk Panchayat, Manvi Taluk, under the power vested to the Commission under section 20(1) of the Act. Sri Aniz Siraj, Chief Executive Officer, Zilla Panchayat, Raichur, is directed to deduct Rs. 10,000/- in two instalments of Rs. 5,000-00 each from the salary of the Respondent, Rs. 5,000-00 for the month of October 2007 payable in November 2007, and salary for the month of November 2007 payable in December 2007.	5000/-	18/1/2009
6	KIC 1702 COM 08 dated 24-09-2007	Sri Narayana-char Vs.. PIO & Assistant Executive Engineer, PWD, Arkalgud)	Respondent has filed his written explanation dated 20-11-07. The explanation is not satisfactory. Respondent has refused to accept the postal order submitted along with application towards fee and has thereafter delayed providing of the information. Although the Commission could impose maximum penalty of Rs. 25000 in this case, taking a compassionate view Commission considers it adequate to levy a penalty of Rs. 1000 on the Respondent. Accordingly, in exercise of powers vested in it under Section 20(1) of Right to Information Act, 2005, the Commission hereby levies a penalty of Rs. 1000/- on Sri D. Ramegowda, former Assistant Executive Engineer, PWD, Arkalgud Sub-division and presently working as the Assistant Executive Engineer, Chickpet Sub-division, Bruhat Bangalore Mahanagara Palike.	1000/-	16/1/2008



7	KIC 192 APL 2007 dated 20-11-2007	Sri Sunil Lobo Vs. Secretary, Nindugani Grama Panchayat, Madikeri Taluk	Commission noted that, there has been inordinate delay in providing the information. Further, the Respondent has not acquainted himself with the provisions of the Act. Although maximum penalty of Rs 25,000/- could be levied on the Respondent, the Commission considers it adequate to levy a penalty of Rs.500/- on the Respondent in this appeal. The amount shall be deducted out of his salary for the month of October 2007 payable in November, 2007.	500/-	28/11/2007
8	KIC 1567 COM 07 dated 28-12-2007	Sri C.H. Ram Vs. C.E (Planning) BBMP Bangalore	Commission therefore holds that there is a clear delay of 90 days in providing the information on items (iv) and (v) apart from denial of information on items (i),(ii) and (iii). Therefore, Commission decides to impose a penalty of Rs.22,500/- on the Respondent Sri A.K Gopaldaswamy, former PIO and Chief Engineer (Project) and now working as Engineer-in-Chief, Bruhat Bangalore Mahanagara Palike, Bangalore calculated at the rate Rs.250/- for every day of delay in providing information on items (iv) and (v) and for denial of information with regard to items (i), (ii) and (iii).	22,500/-	11/8/2009
9	KIC 1503 COM 07 dated 18-12-2007	Sri Narasimha Vs.. Tahasildar, Deodurga Taluk	However, in his compliance, the Respondent has not furnished his explanation. The Commission in its powers vested with under section 20(1) of the Act orders levy of penalty of Rs. 2,500-00 on Sri T. L. Nayak, Tahasildar, Deodurga Taluk Office, for failure to furnish the information.	2,500/-	16/7/2008
10	KIC 4546 COM 07 dated 16-04-2007	Sri M. C. Chandan Vs.. PIO & Secretary, Gram Panchayat, Harnoor, Jeevargi Taluk, Gulbarga	Commission noted that Respondent has not taken any action in providing the required information in respect of Gram Panchayat, Harnoor and he has therefore made himself liable for imposition of penalty under the Act. However, taking a compassionate view, Commission imposes a penalty of Rs.250/- only on the Respondent.	250/-	18/6/2008
11	KIC 4538 COM 07 dated 16-04-2007	Sri M. C Chandan Vs.. PIO & Secretary, Gram Panchayat, Jeratgi, Jeevargi Taluk, Gulbarga	Commission noted that the Respondents have not provided the required information without any reasonable cause. Since there has been substantial delay in providing the information the maximum penalty could be levied on them. However, taking compassionate view, Commission imposes a penalty of Rs.250/- on each of the Respondent.	250/-	03/07/2009



12	KIC 567 COM 07 dated 7-05-2007	Sri Devidas N. Pisse Vs.. PIO & DRCS, Gulbarga)	Therefore, after taking into account all facts, circumstances and the submissions made by the Respondent and in exercise of powers conferred on the Commission under section 20(1) of Right to Information Act, 2005, the Commission hereby levies a penalty of Rs. 250/- on Sri Devaraj, PIO and Deputy Registrar of Co-operative Societies, Gulbarga, for delay in furnishing the information as well as not taking action to transfer the relevant portion of the request for information to the concerned PIOs.	250/-	20/10/2008
13	KIC 488 APL 06 dated 5-06-2007	Sri C. H. Ram Vs.. PIO & C.E, BBMP, Bangalore	Commission heard both the parties, examined the information furnished by the Respondent and also noted the delay in furnishing the information. The total delay in furnishing the information will be 90 days. Commission is of the view that the Respondent should have verified the pending requests in his office periodically and should have taken action to provide the information within the stipulated period. However, the information was made available only after issue of summons by the Commission. Therefore, the Commission taking note of the delay imposes a penalty of Rs. 3,000/- on the Respondent under powers vested to the Commission under Section 20 (1) of the Act.	3000/-	17/6/2008
14	KIC 490 APL 07 dated 7-01-2007	Chandrashekar Vs. PIO Belgaum Development Authority.	Commission pointed out that in such an event, he should have transferred this request for information to the said Corporation under section 6(3) of the RTI Act 2005. He is directed to provide whatever information is available with Belgaum Urban Development Authority and transfer the remaining items to the Belgaum City Corporation within 15 days, under intimation to the Appellant and to this Commission. Since he is unable to give any reply, Commission decided that it would be adequate if a penalty of Rs. 1,000/- is levied on the Respondent. Commissioner, Belgaum Development Authority is directed to recover this penalty from the salary of the Respondent.	1000/-	6/9/2007



15	KIC 588 COM 07 cw KIC 589 COM 07 and KIC 590 COM 07 dated 08-08-07	Sri A. M. Kumaraiah Vs.. Director of Mines & Geology, Bangalore	In the present case, requests for information were made during January and February 2007 and summonses were issued by the Commission in March 2007. But the information has been provided only on 5.5.2007 and 11.5.2007. As such there is delay of over two months in providing information. Since there has been delay in all the four cases, very high penalty could have been levied. Commission however considers it adequate to levy a penalty of Rs. 5000/- in this case. Accordingly, in exercise of powers conferred on the Commission under section 20(1) of the Right to Information Act, 2005, the Commission levies a penalty of Rs. 5000/- on Sri C. N. Venugopal, PIO & Joint Director (Administration), Mines & Geology.	5000/-	4/10/2008
16	KIC 670 COM 07 dated: 07-11-07	Sri S. Ramegowda Vs.. PIO & Chief Executive Officer, Zilla Panchayat, Kolar	Commission noted that the Respondent has furnished the information available on the record. Therefore, the Commission considers that the information furnished is adequate. Further, the Commission directs the Chief Executive Officer, Zilla Panchayat, Chikaballapura, to recover the penalty of Rs.5,000/- levied on Sri Badanoor, out of his salary and remit to the relevant Head of account as indicated in order of the Commission dated 29-8-2007.	5000/-	18/7/2008
17	KIC 734 COM 2007 dated:17-05-2007	Sri Vishwaraj Kurthukoti Vs.. Deputy Secretary, BDA, Bangalore	On enquiry, Respondent admits that no intimation regarding additional fee was sent to the Complainant. Further, because information was delayed by more than 30 days, the Complainant was entitled to the information free of cost. The explanation offered by the Respondent is therefore not acceptable. Commission noted that the delay is inordinate and even the maximum penalty of Rs. 25,000-00 can be levied. However, Commission is of the view that levy of a nominal penalty of Rs. 500-00 on the Respondent for not responding to the request would be adequate this time. Accordingly, in exercise of powers vested in it under Section 20(1) of Right to Information Act, 2005, the Commission levies a penalty of Rs. 500-00 on Sri Bheemappa, PIO and Deputy Secretary, Bangalore Development Authority, Bangalore for not furnishing the information within the specified time without any reasonable cause. Commissioner, Bangalore Development Authority is hereby directed to deduct this amount from the salary of the Respondent for the month of June 2007 payable in July 2007.	500/-	6/10/2009



18	KIC 1006 COM 06 dated:17-07-07	Dr. Henritta D'Costa Vs.. AEE (Bharathinagar), BBMP, Bangalore	Commission takes a very serious view of the Respondent having admittedly providing false information and hereby imposes a penalty of Rs. 10,000-00 on Sri Suresh, both for having delayed the information and for having provided false information. Sri Suresh shall deposit the penalty amount to the State Government Account under the head "0070-60-118-0-03-penalties under RTI Act" within one month. A compliance report for having deposited the amount shall thereafter be sent to the Commission through RPAD.	10,000/-	6/8/2007
19	KIC 1109 COM 07 dated:20-09-2007	Sri Syed Rafiq Ahmed Vs.. PIO & Tahsildar, Bangalore South Taluk	Respondent's representatives confirm that Sri Chikkbettaiah has received and seen this order of the Commission. But he has not availed the opportunity given to him by the Commission directing him to show cause why action should not be taken against him under section 20(1). He had yet another opportunity to be present before the Commission today, but he has not availed of this opportunity also. The Commission therefore, levies a penalty of Rs. 25,000/- on Sri Chikkbettaiah, former Tahsildar and Public Information Officer, Bangalore (South) Taluk under orders of transfer to the office of Regional Commissioner, Mysore.	25,000/-	Order was quashed by the High Court of Karnataka vide Writ Petition No. 5427/08 dated: 26-3-2009 Copy enclosed
20	KIC 2056 COM 07 dated:5-01-07	Sri Makbul Patil M. Vs.. AEE, Panchayat.Raj Engineering Division, Jeevargi	Commission had noted inordinate delay of over 3 months in providing the information and had directed the Respondent to show cause why penalty should not be imposed under section 20(1) of the Act. Respondent states that there has been some delay in collection of information, because it had to be collected from the Divisional office. The explanation given is not convincing. Respondent is liable for levy of penalty of upto Rs. 25000/-. However, taking a lenient view, Commission imposes a nominal penalty of Rs.1000/- only on the Respondent.	1000/-	12/4/2008

Outside sittings:

4.7 Commission conducted outside sittings in places other than Bangalore, wherever a large number of applications were received for the benefit / convenience of information-seekers as well as of the Public Information Officers and public authorities. Such hearings also enabled the Commission to dispose off large number of pending complaints / appeals.



4.8 Details of such hearings are as follows:

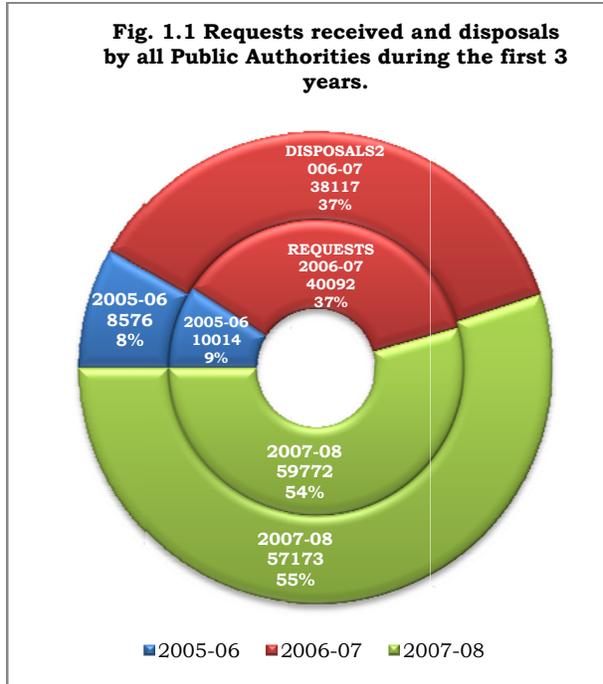
Dates of Sittings	Place	No. of cases Heard			No. of cases Disposed		
		Complaints	Appeals	Total	Complaints	Appeals	Total
21-04-2007	Madikeri	19	02	21	15	01	16
14-06-2007	Hassan	15	-	15	12	-	12
15-06-2007	Madikeri	16	-	16	13	-	13
16-06-2007	Madikeri	17	01	18	17	01	18
22-10-2007	Davangere	35	-	35	13	-	13
31-10-2007	Mangalore, D.K	20	13	33	8	7	15
05-01-2008	Dharwad	50	5	55	38	04	42
25-01-2008	Sira Town	09	36	45	04	22	26
08-02-2008	Belgaum	44	05	49	35	03	38
22/23-02-2008	Gulbarga	157	02	159	127	02	129
14/15-03-2008	Raichur	125	03	128	74	-	74

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Chapter - V

STATISTICAL ANALYSIS

Disposal of requests for information by Public Information Officers in first 3 years:

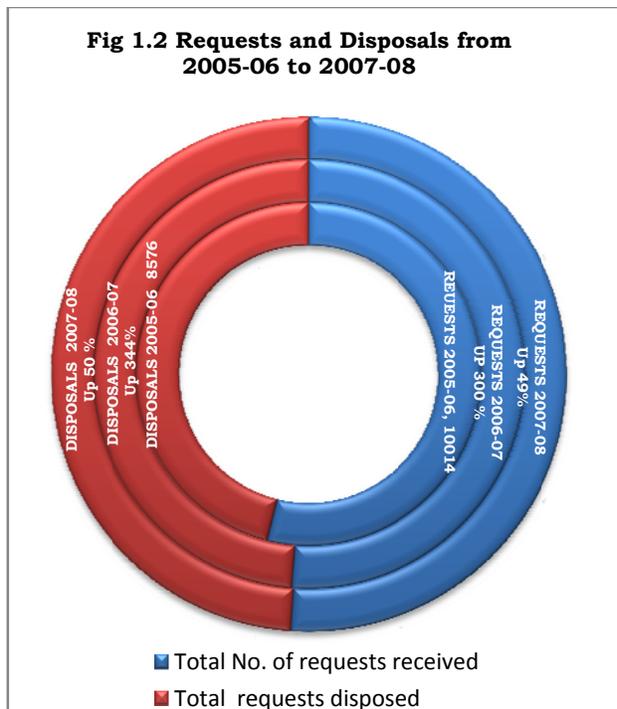


5.1 Fig. 1.1 shows the requests received and disposed off during the first three years (2005-06, 2006-07 & 2007-08) of implementation of the RTI Act in Karnataka by all the Public Information Officers. While the inner segments show the year-wise requests received, the outer segments show their disposal. The term of three years has been considered as 100% and percentages show the receipts and disposals as percentages of totals for each of the three years.

5.2 The data shows that the number of requests multiplied four-fold between 2005-06 and 2006-07 and

increased by over 49 % between 2006-07 and 2007-08. This clearly indicates the growing use of right to information by citizens of the State.

5.3 Taking the study a little further, a very positive trend in handling these increasing numbers of requests by the Public Information Officers is noticeable. The rate of disposal grew faster than the rate of increase of requests. While the requests grew by 300% between 2005-06 and 2006-07, the disposals grew by 344%. Similarly the requests grew by 49% between 2006-07 and 2007-08, while the disposals grew by 50% during the same period. Thus the disposals have kept pace with the increase in number of requests (Fig. 1.2). It must be borne in





mind that no additional staff has been provided for handling RTI applications to any of the Public Authority.

5.4 Fig.1.2 shows that during the year 2005-06, total of 10,014 requests were received whereas 8,576 were disposed. The percentage of disposals vis-à-vis requests received during the year works out to 85.6%. It must be remembered that this was the first year of implementation of RTI in the country and the Act was operational only from October 2005 i.e. for six months only.

5.5 The year that followed saw a sharp increase in number of applications received to 40,092. But the number of applications disposed off also increased to 38,117 during the year. The percentage of disposals to receipts was a healthy 95.07%.

5.6 During the year under report (2007-08) too, this parameter did not undergo major variation. The total number of requests received was 42,208 and as many as 40,580 requests were disposed. The percentage for this year works out to 96.14%.

5.7 Thus the increase in number of requests has been matched by the increase in number of disposals.

Dwindling number of second appeals before the Commission:

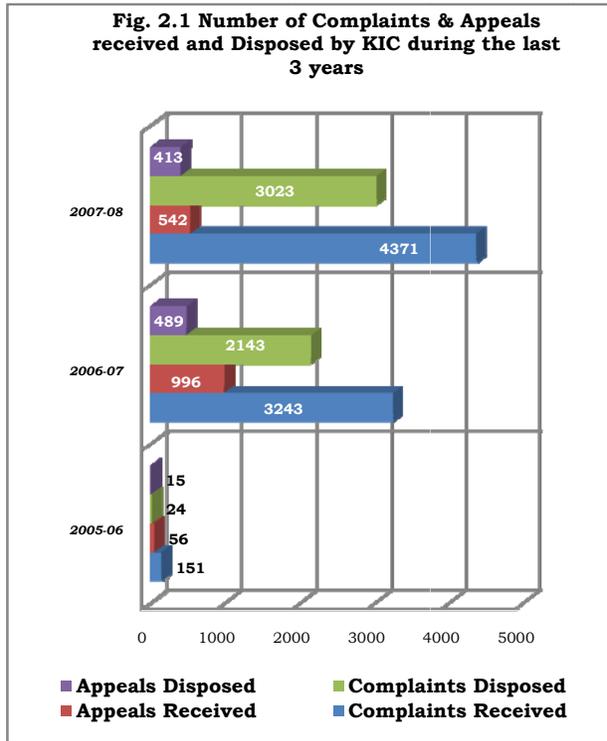
5.8 Since the very inception, Karnataka Information Commission has held that an applicant who has not been provided information within 30 days could straight-away approach the Commission under sections 18(1)(b) and 18(1)(c) of the Act through a complaint without approaching the First Appellate Authority under section 19(1) of the Act. The option is with the Applicant. However, the advantage with the first appeal is that it can be heard and disposed off locally, at a place nearer to the Petitioner.

5.9 During the first year of the Commission (2005-06), of the total 207 cases registered, 56 or 23% were Appeals and rest 77% were Complaints. In the next year (2006-07), the total number of cases registered was 4169 of which 996 or 23.9% were Appeals. Thus there was no significant change in the mix of appeals and complaints in the second year. However, during the year 2007-08, of the total 4913 cases registered by the Commission only 542 or 11% were appeals. Thus the number of appeals as percentage of the total cases registered has come down sharply.

5.10 Thus, more and more users are opting to come to the Commission through

the complaint route. This trend needs to be studied carefully for its impact on the future implementation of RTI Act.

Disposals of Appeals and Complaints received by the Karnataka Information Commission during the years 2005-06, 2006-07 & 2007-08:



5.11 During the year 2007-08, Commission received a total of 542 second appeals and 4371 complaints. For the same period, Commission disposed off 413 appeals and 3023 complaints which work out to 76.2 % and 69.2 % in case of appeals and complaints respectively. The overall disposal rate (both appeals and complaints put to-

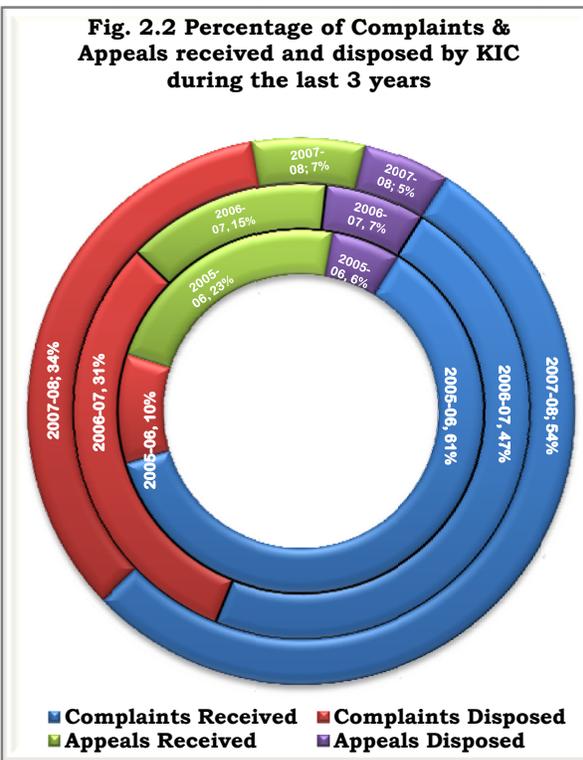
gether) was 70%. This was significantly higher than the overall rate of 63% recorded during 2006-07.

5.12 The constitution of single member benches and increase in number of Commissioners in the Commission by the Government from time to time has enabled the Commission to maintain the rate of disposal.

5.13 Department-wise details are depicted in Figs. 3.1 and 3.2.

5.14 It may be seen that the maximum number of cases (complaints and appeals) before the Commission relate to Urban Development Department followed by Revenue, Rural Development and Education Departments.

Fig. 2.2 Percentage of Complaints & Appeals received and disposed by KIC during the last 3 years





5.15 These are also the Departments which have maximum direct interactions with the citizens. Commission is of the view that these Departments need to disclose maximum information under section 4(1)(b) of the Act. They also need to train their Public Information Officers and First Appellate Authorities to deal with the requests for information and first appeals as expeditiously as possible, to minimize the references to the Commission. Incidentally, three of these four Departments have been selected by the Government for preparation of standard templates for 4(1)(b) notifications and Citizens' Charters.

Fig. 3.1-A Departmentwise Number of Appeals Received & Disposed by KIC in 2007-08

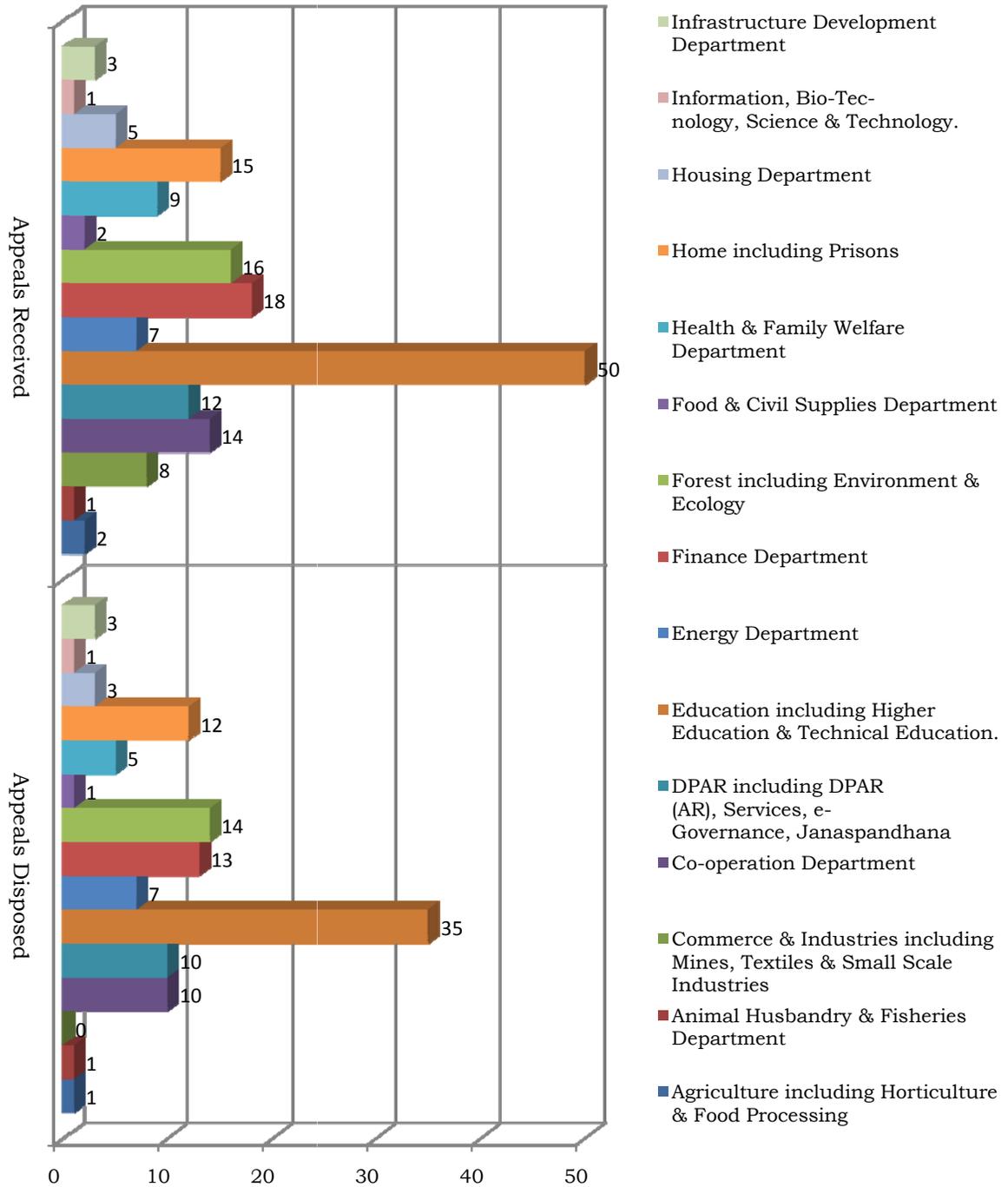


Fig. 3.1-B Departmentwise Number of Appeals Received & Disposed by KIC in 2007-08

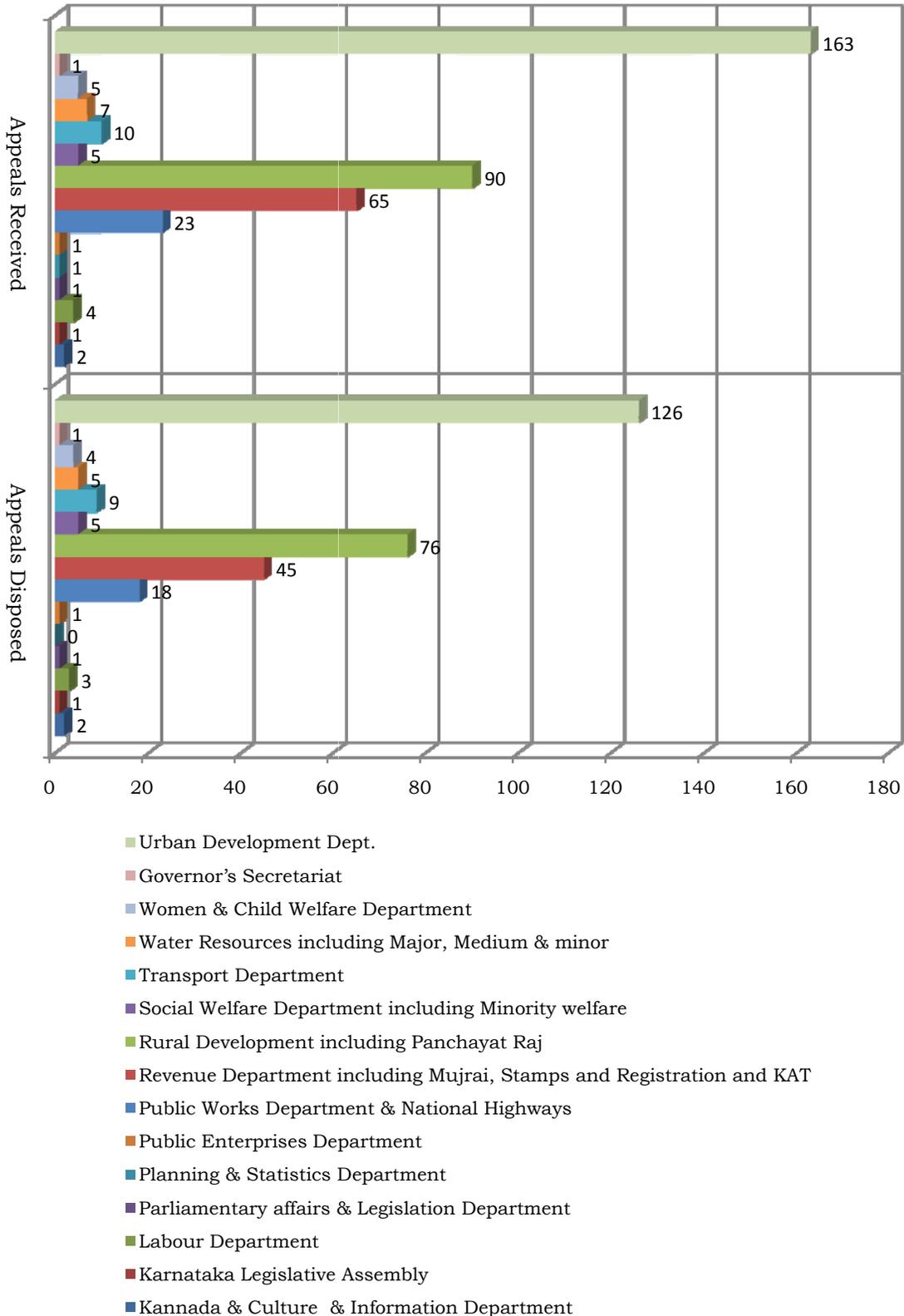


Fig. 3.2-A Departmentwise Number of Complaints Received & Disposed by KIC in 2007-08

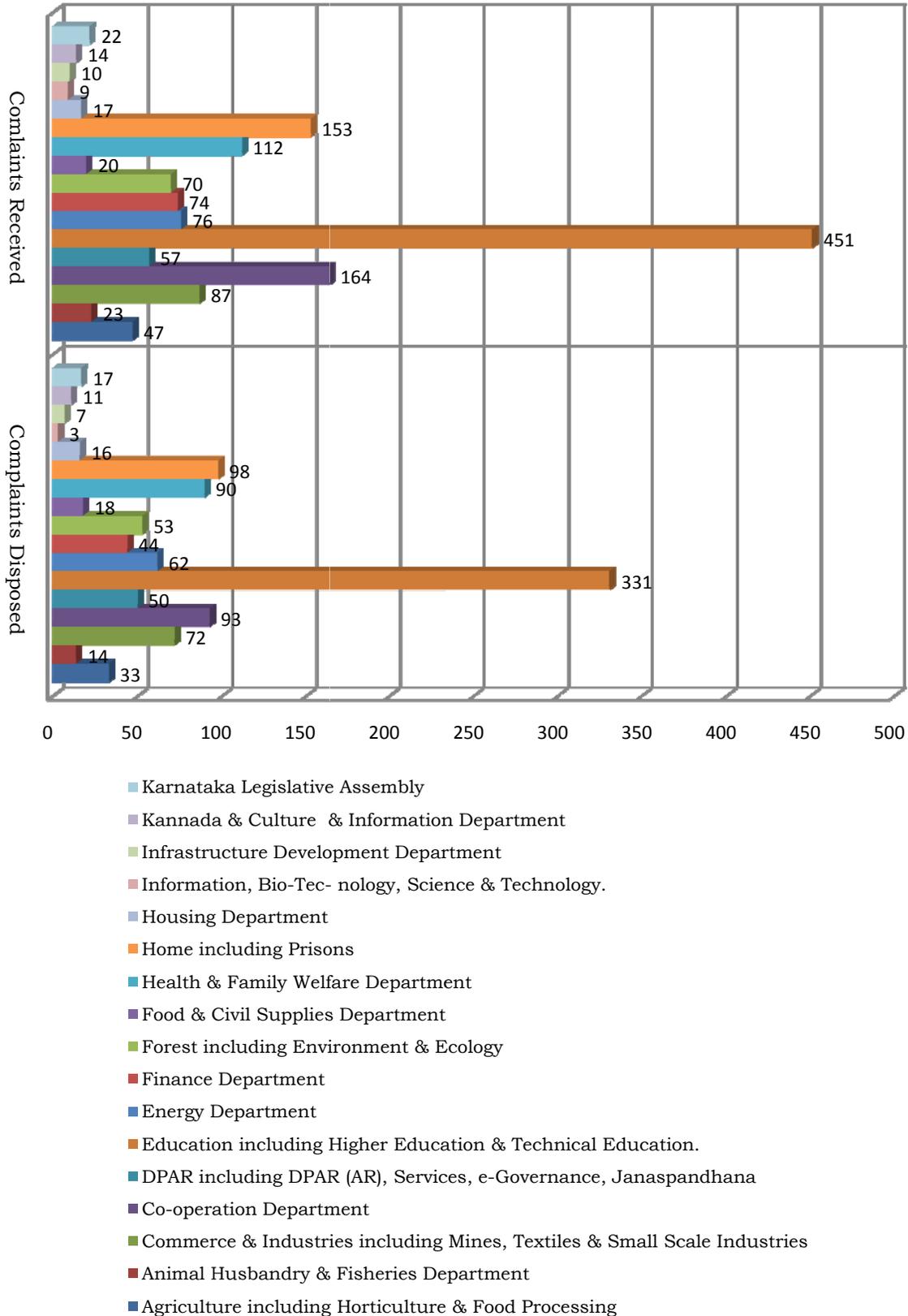
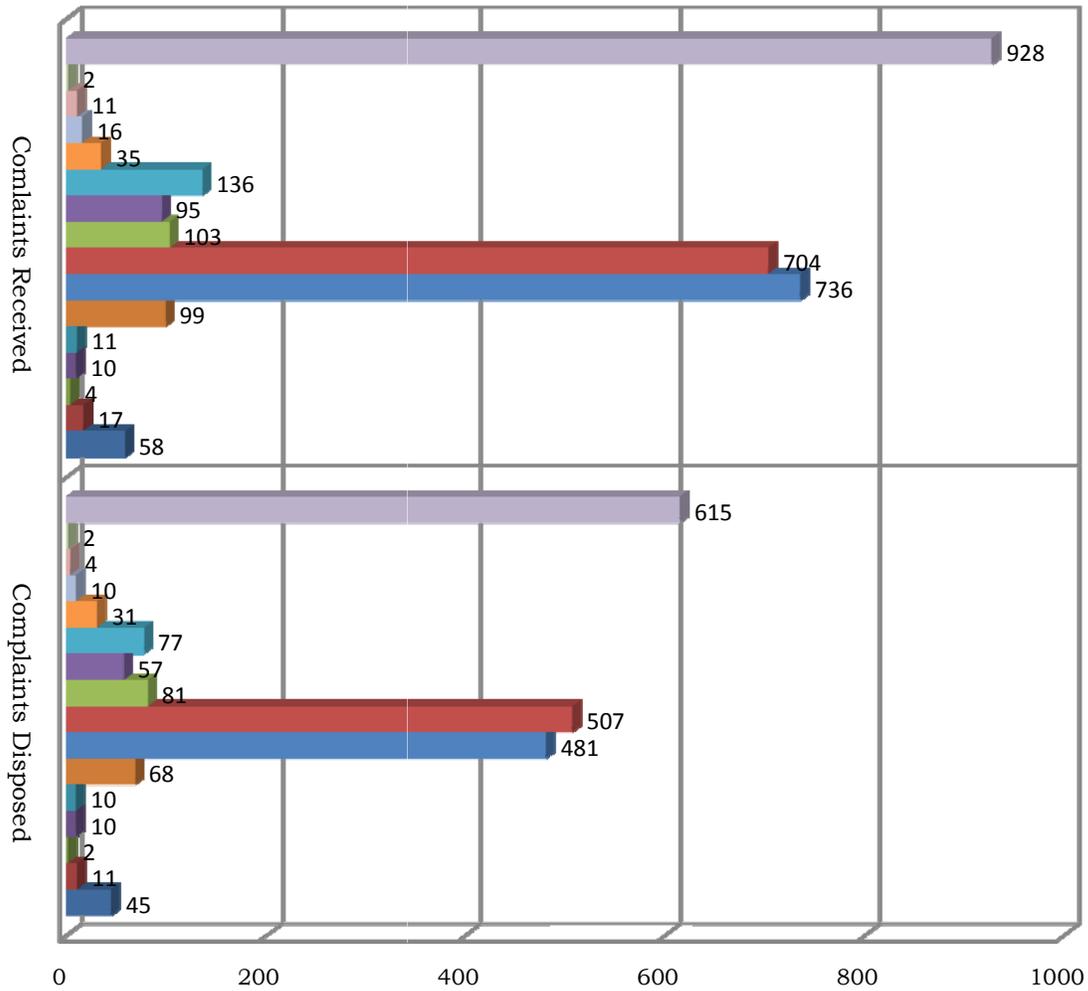
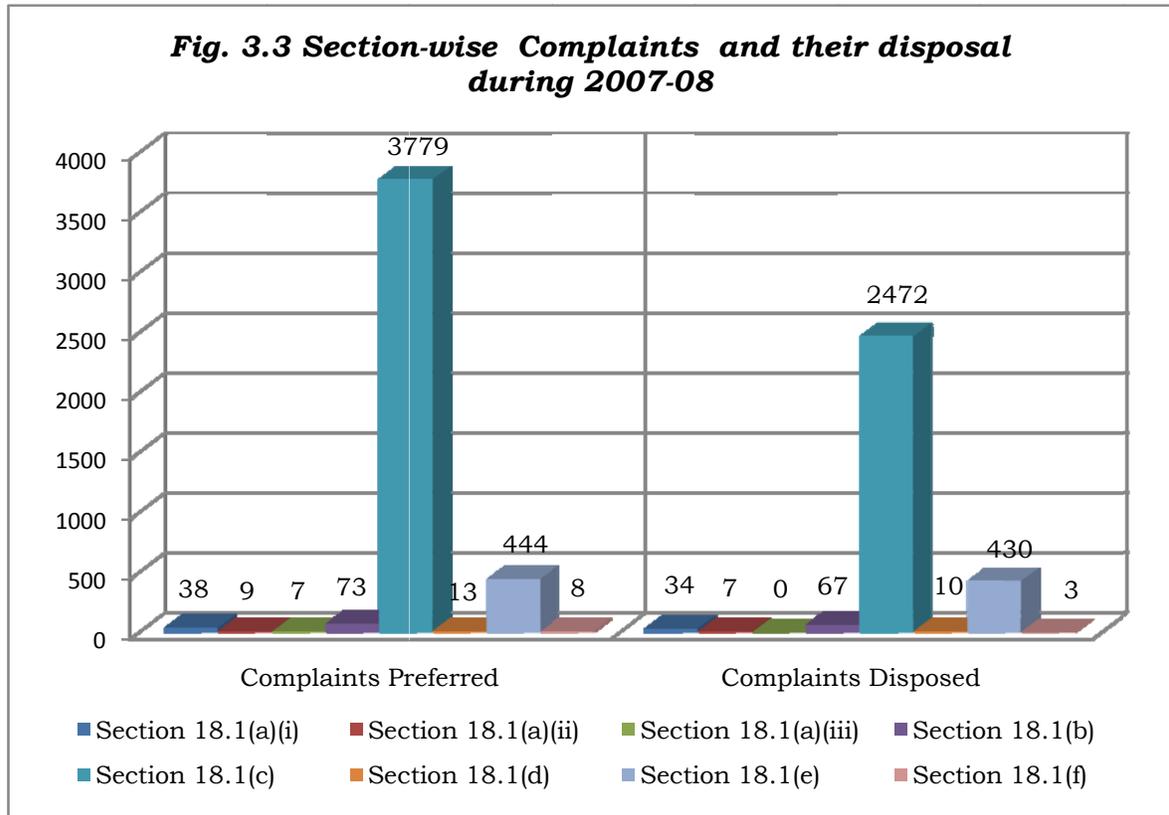


Fig. 3.2-B Departmentwise Number of Complaints Received & Disposed by KIC in 2007-08



- Urban Development Dept.
- Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.
- Governor's Secretariat
- Youth Services
- Women & Child Welfare Department
- Water Resources including Major, Medium & minor
- Transport Department
- Social Welfare Department including Minority welfare
- Rural Development including Panchayat Raj
- Revenue Department including Mujrai, Stamps and Registration and KAT
- Public Works Department & National Highways
- Public Enterprises Department
- Planning & Statistics Department
- Parliamentary affairs & Legislation Department
- Labour Department
- Law & Human Rights Department including Courts

5.16 Section-wise distribution of complaints received by the Commission during 2007-08 under section 18.1 of the RTI Act and their disposal may be seen in figure 3.3.



Section 18(1)(a) - Non appointment of PIOs APIOs by Public Authority; Refusal to accept application for information; Refusal to accept appeal under this act for forwarding to the section officers as I appeal or to the State Information Commission.

Section 18(1)(b) - Refusal to provide access to information.

Section 18(1)(c) - Failure to give response to a request for information or to provide access to information within the time limit.

Section 18(1)(d) - Required to pay unreasonable fee.

Section 18(1)(e) - Providing incomplete , misleading or false information.

Section 18(1)(f) - Any other matter relating to requesting or obtaining access to records / Non- availability of suo-moto information.

5.17 Information pertaining to the implementation of the Act during the year under report (2007-08) may be seen from the following tables:

Table 1: Designation of Public Information Officers [See Section 5(1)].

Table 2: Requests for Information filed Under Sec.6 of the RTI Act and their Disposal by the Public Information Officers.

Table 3: Provisions of the Act under which the requests were rejected by the State Public Information Officers.

Table 4: Disposal of Appeals by First Appellate Authorities under Sec.19 (1) of the Act.



Table 5: Department-wise Disposal of Complaints by the Commission.

Table 6: Reasons for Complaints to the Commission and their disposal.

Table 7: Disposal of Second Appeals by Karnataka Information Commission.

Table 8: Summary of Costs, Fees & Charges Collected by Public Authorities.

Public Authorities & Public Information Officers:

5.18 According to the data provided by the departments, total number of public authorities in the state was 65815 and the total number of public information officers was 74086.

5.19 The Public Enterprises Department continues to report 1 public authority and 1 public information officer, which does not appear to be correct.

5.20 Health and Family Welfare Department including Medical Education Department had reported just 8 public authorities and 118 public information officers. Commission is of the view that this number should be considerably higher since all Government / Government aided colleges and Government hospitals would be public authorities under the Act.

5.21 Going by the information provided, it appears that disposal of requests by the departments has by and large been satisfactory.

5.22 According to data provided by the Departments, 8 departments had rejected 82 requests. The largest number of requests rejected (52) was by the Finance Department followed by Commerce & Industries Department (10); DPAR (6); Transport Department (5) and Labour Department (4). Some other Departments which have reported rejection of requests are Social Welfare and Co-operation Departments (2 each). Department for Animal Husbandry and Fisheries has rejected only 1 request.

5.23 Thus the number of requests rejected by all the reported Government Departments was 82 as against the total of 18198 received, of which 17575 were disposed off during the period under report. Thus according to the data provided, number of requests rejected works out to a mere 0.004% of the total requests received and 0.005% of the total requests disposed off. This clearly shows the willingness of the Government to provide information to the applicants under the Act.

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Table 1
Designation of Public Information Officers [See Section 5(1)]
Reporting Year: 2007-08

[Source: Reports from Departments]

Sl. No.	Name of the Department	No of Public Authorities	No of Public Information Officers Designated
1	2	3	4
1	Agriculture including Horticulture & Food Processing	151	1271
2	Animal Husbandry & Fisheries Department	13	3782
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	32	261
4	Co-operation Department&&	316	306
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	28	33
6	Education including Higher Education & Technical Education.	56087	56635
7	Energy Department	11	472
8	Finance Department	1933	1933
9	Forest including Environment & Ecology	41	266
10	Food & Civil Supplies Department	392	422
11	Health & Family Welfare including Medical Education Department	8	118
12	Home including Prisons	8	1545
13	Housing Department	5	50
14	Information, Bio-technology, Science & Technology.	11	11
15	Infrastructure Development Department	1	3
16	Kannada & Culture & Information Department	13	99
17	Karnataka Legislature Assembly and Council	2	2
18	Law & Human Rights Department including Courts	7	43
19	Labour Department	5	135
20	Department of Parliamentary affairs & Legislation	1	4
21	Planning & Statistics Department	6	42
22	Public Enterprises Department	1	1
23	Public Works Department & National Highways	9	409
24	Revenue Department including Mujrai, Stamps & Registration and KAT	51	673
25	Rural Development including Panchayat Raj	5839	6068
26	Social Welfare Department including Minority welfare	8	227
27	Transport Department	6	253
28	Water Resources including Major, Medium & Minor	114	358
29	Women & Child Welfare Department	361	361



1	2	4	5
30	Youth Services	3	8
31	Governor's Secretariat	1	1
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	1	2
33	Urban Development including Municipal Administration & Corporation	350	830
TOTAL		65815	74086

&& Since the inclusion of Co-operative Societies as Public Authorities has been challenged before the High Court of Karnataka, the number does not include the Co-operative Societies and their PIOs.



Table - 2

Requests for Information filed Under Sec.6 of the RTI Act and their Disposal by the Public Information Officers; Reporting Year 2007-08

[Source: Reports from Departments]

Sl. No.	Name of the Department	Requests pending at the end of Last year	No of Re-quests received during the year	Total No of Re-quests	No of re-quests Disposed	Requests pending at the end of Last year
1	2	3	4	5	6	
1	Agriculture including Horticulture & Food Processing	16	547	579	547	32
2	Animal Husbandry & Fisheries Department	0	311	311	310	1
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	21	3003	3024	2948	76
4	Co-operation Department	34	922	990	924	32
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	17	1317	1334	1302	32
6	Education including Higher Education & Technical Education.	61	1821	1882	1739	143
7	Energy Department	0	1036	1036	1018	18
8	Finance Department	34	1151	1185	1152	33
9	Forest including Environment & Ecology	65	1948	2013	1919	94
10	Food & Civil Supplies Department	2	756	758	737	21
11	Health & Family Welfare Department	5	491	496	451	45
12	Home including Prisons	263	4282	4545	4428	117
13	Housing Department	6	619	625	621	4
14	Information Bio-technology, Science & Technology.	2	14	18	12	4
15	Infrastructure Development Department	0	7	7	7	0
16	Kannada & Culture & Information Department	5	31	36	33	3
17	Karnataka Legislative Assembly & Council	2	111	113	113	0
18	Law & Human Rights Department including Courts	4	490	494	493	1
19	Labour Department	28	326	354	339	15
20	Department of Parliamentary affairs & Legislation	1	25	26	26	0
21	Planning & Statistics Department	0	120	120	120	0
22	Public Enterprises Department	0	3	3	3	0
23	Public Works Department & National Highways	53	1528	1581	1452	76
24	Revenue Department including Mujrai, Stamps and Registration and KAT	749	12118	12868	12344	524
25	Rural Development including Panchayat Raj	21	3046	3067	2922	145
26	Social Welfare Department including Minority welfare	34	698	732	702	30



27	Transport Department	11	1848	1859	1759	100
1	2	3	4	5	6	7
28	Water Resources including Major, Medium & Minor	88	1336	1424	1382	42
29	Women & Child Welfare Department	8	667	675	622	53
30	Youth Services	1	55	56	53	3
31	Governor's Secretariat	0	70	70	70	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	32	32	32	0
33	Urban Development including Municipal Administration & Corporation	437	17427	17564	16593	971
TOTAL		1968	57804	59772	57173	2597

Note: Ministers establishments have not been shown separately as they are not independent Departments. They have been treated as Public Authorities under the concerned Department.



Table 3

**Provisions of the Act under which the requests were rejected by the State Public Information Officers
Reporting Year: 2007-08**

[Source: Reports from Departments]

Sl. No.	Name of the Department	Section 8(1)(a)	Section 8(1)(b)	Section 8(1)(c)	Section 8(1)(d)	Section 8(1)(e)	Section 8(1)(f)	Section 8(1)(g)	Section 8(1)(h)	Section 8(1)(i)	Section 8(1)(j)	Other Sections	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12	15	16
1	Agriculture including Horticulture & Food Processing	0	0	0	0	0	0	0	0	0	1	0	1
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	0	0	1	1	0	0	5	0	1	2	10
4	Co-operation Department	0	0	0	0	0	0	0	0	0	2	0	2
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	0	0	1	0	0	0	3	0	2	0	0	6
6	Education including Higher Education & Technical Education.	0	0	0	0	0	0	0	0	0	0	0	0
7	Energy Department	0	0	0	0	0	0	0	0	0	0	0	0
8	Finance Department	0	1	0	12	1	0	0	14	8	6	10	52
9	Forest including Environment & Ecology	0	0	0	0	0	0	0	0	0	0	0	0
10	Food & Civil Supplies Department	0	0	0	0	0	0	0	0	0	0	0	0
11	Health & Family Welfare Department	0	0	0	0	0	0	0	0	0	0	0	0
12	Home including Prisons	0	0	0	0	0	0	0	0	0	0	0	0
13	Housing Department	0	0	0	0	0	0	0	0	0	0	0	0
14	Information Bio-technology, Science & Technology.	0	0	0	0	0	0	0	0	0	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0	0	0	0	0	0	0



16	Kannada & Culture & Information Department	0	0	0	0	0	0	0	0	0	0	0	0
1	2	Section 8(1)(a)	Section 8(1)(b)	Section 8(1)(c)	Section 8(1)(d)	Section 8(1)(e)	Section 8(1)(f)	Section 8(1)(g)	Section 8(1)(h)	Section 8(1)(i)	Section 8(1)(j)	Other Sections	TOTAL
17	Karnataka Legislative Assembly	0	0	0	0	0	0	0	0	0	0	0	0
18	Law & Human Rights Department including Courts	0	0	0	0	0	0	0	0	0	0	0	0
19	Labour Department	0	0	0	0	0	0	0	0	0	0	4	4
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0	0	0	0	0	0	0
21	Planning & Statistics Department	0	0	0	0	0	0	0	0	0	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0	0	0	0	0	0	0
23	Public Works Department & National Highways	0	0	0	0	0	0	0	0	0	0	0	0
24	Revenue Department including Mujrai, Stamps and Registration and KAT	0	0	0	0	0	0	0	0	0	0	0	0
25	Rural Development including Panchayat Raj	0	0	0	0	0	0	0	0	0	0	0	0
26	Social Welfare Department including Minority welfare	0	0	0	0	0	0	0	0	2	0	0	2
27	Transport Department	0	0	0	0	0	0	0	2	0	2	1	5
28	Water Resources including Major, Medium & minor	0	0	0	0	0	0	0	0	0	0	0	0
29	Women & Child Welfare Department	0	0	0	0	0	0	0	0	0	0	0	0
30	Youth Services	0	0	0	0	0	0	0	0	0	0	0	0
31	Governor's Secretariat	0	0	0	0	0	0	0	0	0	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, DPAR	0	0	0	0	0	0	0	0	0	0	0	15
33	Urban Development including Municipal Administration & Corporation	13	2	0	0	0	0	0	0	0	0	0	0
TOTAL		13	3	1	13	2	0	3	21	12	12	16	97

Note: A request for information could be rejected under more than one provision.



Table 4
Disposal of Appeals by First Appellate Authorities under Sec.19 (1) of the Act
Reporting Year: 2007-08

[Source: Reports from Departments]

Sl. No.	Name of the Department	No of First Appeals pending with Appellate Officers	No of First Appeals preferred during the Year	Total No of First Appeals with Appellate Officers	No of First Appeals Disposed	No of First Appeals Rejected	No of First Appeals pending beyond 30 Days
1	2	3	4	5	6	7	8
1	Agriculture including Horti- culture & Food Processing	0	63	63	55	0	8
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	1	16	17	13	2	4
4	Co-operation Department	0	48	48	30	0	18
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	1	30	31	23	0	8
6	Education including Higher Education & Technical Education.	3	61	64	54	0	10
7	Energy Department	1	24	25	13	0	12
8	Finance Department	1	17	18	18	9	0
9	Forest including Environment & Ecology	17	8	25	25	0	0
10	Food & Civil Supplies Department	0	7	7	6	0	1
11	Health & Family Welfare Department	0	0	0	0	0	0
12	Home including Prisons	0	200	200	200	0	0
13	Housing Department	3	0	3	3	0	0
14	Information Bio-technology, Science & Technology.	2	15	17	16	0	1
15	Infrastructure Development Department	0	1	1	1	1	0
16	Kannada & Culture & Information Department	0	0	0	0	0	0
17	Karnataka Legislative Assembly	0	2	2	2	0	0
18	Law & Human Rights Dept. including Courts	0	7	7	7	0	0
19	Labour Department	0	13	13	13	0	0
20	Parliamentary affairs & Legislation Department	0	3	3	3	0	0
21	Planning & Statistics Department	0	0	0	0	0	0
22	Public Enterprises Department	7	0	7	7	0	0
23	Public Works Department & National Highways	4	0	4	4	0	0



24	Revenue Department including Mu-jrai, Stamps and Registration and KAT	0	107	107	88	3	19
1	2	3	4	5	6	7	8
25	Rural Development including Pan-chayat Raj	0	44	44	36	1	8
26	Social Welfare Department including Minority welfare	0	15	15	11	0	4
27	Transport Department	0	38	38	28	3	10
28	Water Resources including Major, Medium & minor	0	22	22	22	0	0
29	Women & Child Welfare Department	0	18	18	17	0	1
30	Youth Services	0	0	0	0	0	0
31	Governor's Secretariat	0	0	0	0	0	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	0	0	0	0	0
33	Urban Development Dept.	56	956	1012	889	0	123
TOTAL		96	1715	1811	1584	19	227



Table 5
Department-wise Disposal of Complaints by the Commission
Reporting Year: 2007-08

[Source: KIC]

Sl. No.	Name of the Department	No of Complaints pending at the end of Last year	No of Complaints Preferred during the year	Total No of Complaints	No of Complaints Disposed	No of Complaints rejected	% of complaints rejected	No of Complaints pending beyond 90 Days
1	2	3	4	5	6	7	8	9
1	Agriculture including Horticulture & Food Processing	10	47	57	33	0	0	24
2	Animal Husbandry & Fisheries Department	3	23	26	14	0	0	12
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	5	87	92	72	0	0	20
4	Co-operation Department	54	164	218	93	0	0	125
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	35	57	92	50	0	0	42
6	Education including Higher Education & Technical Education.	100	451	551	331	0	0	220
7	Energy Department	16	76	92	62	0	0	30
8	Finance Department	26	74	100	44	0	0	56
9	Forest including Environment & Ecology	22	70	92	53	0	0	39
10	Food & Civil Supplies Department	5	20	25	18	0	0	7
11	Health & Family Welfare Department	20	112	132	90	0	0	42
12	Home including Prisons	29	153	182	98	0	0	84
13	Housing Department	8	17	25	16	0	0	9
14	Information, Bio-Technology, Science & Technology.	3	9	12	3	0	0	9
15	Infrastructure Development Department	0	10	10	7	0	0	3
16	Kannada & Culture & Information Department	3	14	17	11	0	0	6
17	Karnataka Legislative Assembly	0	22	22	17	0	0	5
18	Law & Human Rights Department including Courts	5	58	63	45	0	0	18
19	Labour Department	2	17	19	11	0	0	8
20	Parliamentary affairs & Legislation Department	0	4	4	2	0	0	2
21	Planning & Statistics Department	2	10	12	10	0	0	2
22	Public Enterprises Department	2	11	13	10	0	0	3
23	Public Works Department & National High-	27	99	126	68	0	0	58



	ways							
1	2	3	4	5	6	7	8	9
24	Revenue Department including Mujrai, Stamps and Registration and KAT	177	736	913	481	0	0	432
25	Rural Development including Panchayat Raj	213	704	917	507	0	0	410
26	Social Welfare Department including Minority welfare	19	103	122	81	0	0	41
27	Transport Department	12	95	107	57	0	0	50
28	Water Resources including Major, Medium & minor	16	136	152	77	0	0	75
29	Women & Child Welfare Department	10	35	45	31	0	0	14
30	Youth Services	1	16	17	10	0	0	7
31	Governor's Secretariat	3	11	14	4	0	0	10
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	1	2	3	2	0	0	1
33	Urban Development Dept.	271	928	1199	615	0	0	584
TOTAL		1100	4371	5471	3023	0	0	2448

Table 6
Reasons for Complaints to the Commission and their disposal during the Year 2007-08

[Source: Analysis by KIC]

Classification of Complaints	No of Complaints pending at the end of Last year	No of Complaints Preferred during the year	Total No of Complaints	No of Complaints Disposed	No of Complaints rejected	No of Complaints pending for more than 90 Days
1	2	3		5	6	7
Section 18.1(a)(i)	23	38	61	34	0	27
Section 18.1(a)(ii)	2	9	11	7	0	4
Section 18.1(a)(iii)	774	7	781	0	0	781
Section 18.1(b)	18	73	91	67	0	24
Section 18.1(c)	220	3779	3999	2472	0	1527
Section 18.1(d)	3	13	16	10	0	6
Section 18.1(e)	59	444	503	430	0	73
Section 18.1(f)	1	8	9	3	0	6
Total in the State	1100	4371	5471	3023	0	2448

Table 7
Department-wise Disposal of Second Appeals by the Commission
Reporting Year:2007-08

[Source: KIC]

Sl. No.	Name of the Department	No of Second Appeals pending with Information Commission at end of Last Year	No of Second Appeals preferred during the Year	Total No of Second Appeals with Information Commission	No of Second Appeals Disposed	No. of Second Appeals Pending
1	2	3	4	5	6	7
1	Agriculture including Horticulture & Food Processing	20	2	22	1	21
2	Animal Husbandry & Fisheries Department	1	1	2	1	1
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	8	8	0	8
4	Co-operation Department	32	14	46	10	36
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	0	12	12	10	2
6	Education including Higher Education & Technical Education.	56	50	106	35	71
7	Energy Department	4	7	11	7	4
8	Finance Department	12	18	30	13	17
9	Forest including Environment & Ecology	6	16	22	14	8
10	Food & Civil Supplies Department	2	2	4	1	3
11	Health & Family Welfare Department	14	9	23	5	18
12	Home including Prisons	32	15	47	12	35
13	Housing Department	2	5	7	3	4
14	Information Bio-technology, Science & Technology.	16	1	17	1	16
15	Infrastructure Development Department	0	3	3	3	0
16	Kannada & Culture & Information Department	1	2	3	2	1
17	Karnataka Legislative Assembly	0	1	1	1	0
18	Law & Human Rights Department including Courts	2	0	2	0	2
19	Labour Department	3	4	7	3	4
20	Parliamentary affairs & Legislation Department	0	1	1	1	0
21	Planning & Statistics Department	1	1	2	0	2
22	Public Enterprises Department	0	1	1	1	0
23	Public Works Department & National Highways	8	23	31	18	13
24	Revenue Department including Mujrai, Stamps and Registration and KAT	70	65	135	45	90



1	2	3	4	5	6	7
25	Rural Development including Panchayat Raj	110	90	200	76	124
26	Social Welfare Department including Minority welfare	8	5	13	5	8
27	Transport Department	0	10	10	9	1
28	Water Resources including Major, Medium & minor	2	7	9	5	4
29	Women & Child Welfare Department	2	5	7	4	3
30	Youth Services	2	0	2	0	2
31	Governor's Secretariat	0	1	1	1	0
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	2	0	2	0	2
33	Urban Development Dept.	140	163	303	126	177
Total		548	542	1090	413	677

Table 8

**Summary of Costs, Fees & Charges Collected by Public Authorities
Reporting Year: 2007-08**

[Source: Reports from Departments]

Sl No	Name of Department	Total Col-lection
1	2	3
1	Agriculture including Horticulture & Food Processing	14922.00
2	Animal Husbandry & Fisheries Department	10976.00
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	146257.00
4	Co-operation Department	24581.00
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance,	47058.00
6	Education including Higher Education & Technical Education.	72307.00
7	Energy Department	49552.00
8	Finance Department	31932.00
9	Forest including Environment & Ecology	34128.00
10	Food & Civil Supplies Department	26519.00
11	Health & Family Welfare Department	15024.00
12	Home including Prisons	130491.00
13	Housing Department	13314.00
14	Information Bio-technology, Science & Technology.	80.00
15	Infrastructure Development Department	116.00
16	Kannada & Culture & Information Department	2168.00
17	Karnataka Legislative Assembly	4040.00
18	Law & Human Rights Department including Courts	23063.00
19	Labour Department	5425.00
20	Parliamentary affairs & Legislation Department	330.00
21	Planning & Statistics Department	4734.00
22	Public Enterprises Department	130.00
23	Public Works Department & National Highways	33479.00
24	Revenue Department including Mujrai, Stamps and Registration and KAT	210558.00
25	Rural Development including Panchayat Raj	63934.00
26	Social Welfare Department including Minority welfare	12103.00
27	Transport Department	39668.00
28	Water Resources including Major, Medium & minor	45701.00
29	Women & Child Welfare Department	20472.00



<i>1</i>	<i>2</i>	<i>3</i>
<i>30</i>	<i>Youth Services</i>	<i>635.00</i>
<i>31</i>	<i>Governor's Secretariat</i>	<i>1132.00</i>
<i>32</i>	<i>Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.</i>	<i>468.00</i>
<i>33</i>	<i>Urban Development Dept.</i>	<i>202840.00</i>
GRAND TOTAL		<i>1288137.00</i>

Source: Reports from the Government Departments

Chapter – VI RECOMMENDATIONS

6.1 This is the third report of the Commission. In its earlier two reports, Commission has made some far-reaching recommendations. However only a few of them have been implemented.

6.2 Till recently, there was no forum to review the implementation of these recommendations. However, Government has since appointed a High Power Committee on coordinated implementation of RTI Act in the State under the Chief Secretary. Commission would request that implementation of its recommendation should be reviewed by this Committee from time to time.

6.3 It may also be noted that under section 19(8)(a), Commission has wide ranging powers to issue any directions to Public Authorities to take any steps necessary to secure compliance with the provisions of the RTI Act. Therefore instead of making recommendations, it is also open to the Commission to issue directions.

6.4 This power to issue directions has however two limitations. For one, the direction could be issued only in a matter which is already before the Commission by way of an appeal or complaint. Secondly direction can be issued only to the public authority before the Commission. Subject to these limitations, this power can be effectively utilized to improve compliance with the provisions of the Act.

6.5 A recent judgment of Karnataka High Court in C.C.C. No. 525 of 2008 dated 27-01-2009 has strengthened the Commission and would help it in enforcing compliance with its orders. The Court has quoted the Supreme Court decision in Sakiri Vasu Vs. State of U. P. (2 SCC 409-2008) according to which, “where an

Act confers jurisdiction it impliedly also grants the power of doing all such acts or employ such means as are essentially necessary for its execution” and has held that “provisions of Section 20 of RTI Act can be exercised by the Commission also to enforce its orders.”

6.6 Based on its experience gained during the hearings, the Commission makes the following recommendations for consideration:

- I. Display and mention the contact details of PIOs, APIOs etc.: All offices and administrative units under public authorities should display the contact details of PIOs, APIOs and appellate authorities at prominent places. Public Information Officer must also mention his full name, address and telephone / mobile numbers in all communications concerning RTI.**
- II. Publication of suo-moto / pro-active disclosure: A very easy and effective method of disseminating suo-moto / pro-active disclosure is through internet. However, a recent survey has indicated that a large number of Public Authorities had not displayed this information on their websites. Commission recommends that the suo moto / pro-active disclosure must be put on the website. It should also be placed on the notice board and should be made available for free inspection by citizens in all offices of the public authority.**
- III. Copies of suo-moto disclosure should be made available freely: It has been reported to the Commission that some PIOs are compelling citizens to file a request for information under section 6 along with the initial fee for obtaining a copy of pro-active suo-moto disclosure. This is against the letter and spirit of the provisions under section 4 of the Act. This information should be available in the form of notification on the notice board, in library of the office and on the table of waiting area for the public, freely, for which no request for information should be required. At most a reasonable price may be charged for it. In this respect, the Karnataka Information Commission has directed in case no. KIC 341 COM 2006, dated 26-8-2006 that for obtaining a copy of information published under section 4(1)(b) of the Act, there need not be any initial fee along with the application and as**

- ordered by the Commission, in its earlier decision, if the applicant pays the actual cost not exceeding Re. 1/- per A4 size page, the suo-moto disclosure should be made available.
- IV. **Disclosures under section 4 and their adequacy should be made enforceable:** If a public authority has made incomplete disclosure, it should be the responsibility of the concerned Departmental Heads (Secretary to Government and Heads of field Departments) to get it completed.
- V. **Penalty for non-compliance:** Non-compliance with statutory requirements under section 4 should lead to invoking of the penal provisions against the defaulting public authority under section 20 of the Act. Secretary of the Department should examine and review the disclosures made to ensure that they are complete and adequate.
- VI. **Annual Reports should include suo-moto disclosures:** Secretariat Departments and statutory bodies prepare their Annual Reports and present them to both the Houses of Karnataka Legislature. The suo-moto disclosures should form part of these Annual Reports.
- VII. **Sharing of responsibilities under RTI Act:** Each public authority must review its decision relating to nomination of the Public Information Officer to ensure that PIOs are not overloaded with RTI work and the work is equitably shared within the organization.
- Commission is also of the view that PIOs need to be adequately senior in the organization having adequate logistic support to fulfill their responsibilities under the Act. They should be able to direct others to assist them and to make relevant records available to them. They should also be adequately trained.
- VIII. **Audit of compliance with sections 4(1)(a) and 4(1)(b) of the Act:** Commission is of the view that compliance with the requirements of cataloguing and indexing of the records and publication of suo-moto declaration should be periodically audited by an independent agency.
- IX. **All Government offices who maintain their own records / record rooms are to be treated as separate public authorities:** Section 4(1)(a) provides that every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerized are, within a reasonable time

and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. Karnataka Information Commission has decided that this responsibility has to be imposed on all Government offices who maintain their own records / record rooms and it can be done only if all of them are treated as public authorities.

- X. Less Paper Office initiative: Section 4(1)(a) provides that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized. Commission has therefore decided to make its organization as a “less paper office” by utilizing the GOI grant. This should act as a model for other Government offices. Assistance of NIC and CGG has been sought for this project.
- XI. Soft copies of all Acts, Rules, Codes, Regulations, Government orders should be made available on the web-sites: Secretariat departments and all public authorities must immediately update and publish soft copies of all Acts, Rules, Codes, Regulations, Government orders on their web-sites, since section 4(1)(b)(iv) covers the documentation of these records. Commission noted that in many cases the Acts, Rules and regulations had not been updated. The departments must be made accountable to complete the task and provide a certificate to this effect in their Annual Report.
- XII. Standardization of Citizens’ Charter / suo-moto disclosures under section 4(1)(b) of RTI Act, 2005: Smt. Rajni Razdan, Secretary, Department of Administrative Reforms and Public Grievances, Government of India has addressed letters to all Chief Secretaries of State Governments stating that the Administrative Reforms Commission in its 4th Report has emphasized the need for effective implementation of the Citizens’ Charters. Administrative Reforms Commission has recommended that “Citizens’ Charters should be made effective by stipulating the service levels and also the remedy if these service levels are not met.”
- Karnataka Information Commission in its several decisions has held that the provisions of section 4(1)(b) of RTI Act, 2005, which prescribed that every public authority shall publish information regarding (i) the particulars of its organization, functions and duties; (ii) the powers and duties of its officers and employees; (iii) the procedure followed in the de-

cision making process, including channels of supervision and accountability; (iv) the norms set by it for the discharge of its functions etc. are the same as the Citizens' Charter.

Thus the citizens' charter should begin by listing out the services provided by the Public Authority to the citizens, the procedure followed by it in providing these services including the forms prescribed, the documents to be attached with the form, the check list to ensure that the information is complete in all respect, the official to whom the application should be handed over, the official from whom enquiries about an application could be made, the time limit within which the decision will be communicated / service provided etc.

Commission is of the view that the citizens' charters as well as the suo-moto disclosures for all functionaries performing same duties and responsibilities in different locations e.g. Deputy Commissioners, Tahasildars etc. should be more or less the same throughout the State. Commission has therefore sought the assistance of Administrative Training Institute, Mysore to help prepare common Citizens' Charters / suo-moto disclosures for different public authorities along with a periodical self review procedure.

XIII. *The Commission had observed that the PIOs are finding it difficult to provide even the 100 pages of "free" information to BPL card holders. More so since the "Contingency amount" provided to some departments are too meagre. Hence, it is recommended that the PIOs are allowed to retain the amount collected as Cost of information instead of remitting this amount to the Government Treasury. Necessary orders may be issued in this regard.*

XIV. *So far as, failure to comply with and publishing "Suo-Motto" & Pro-active declarations under Section 4(1)(a) and 4(1)(b) of the Act, it is found that Public Authorities (heads of the Offices) are not taking keen interest. Hence the Commission feels that the Public Authorities should be made responsible for this. Penalties under Section 20(1) should be levied on the head of the Office rather than the Public Information Officer. It should made mandatory for the Public Authorities to publish the information under sections 4(1)(a) and 4(1)(b) of the Act on their own or their departmental website.*

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ANNEXURE

Some important orders of the Commission during the year 2007-08:

During the year under review, Commission passed several orders laying down general principles, guidelines and procedures to be followed by PIOs and public authorities in proper and effective implementation of the RTI Act including maintenance, management of the public records.

An attempt has been made in this chapter to provide the relevant extracts of the orders for the reference and guidance of the information seekers, PIOs and public authorities.

I Determination of public authority under section 2(h):

KIC 1231 COM 2006

KARNATAKA INFORMATION COMMISSION

(Sri S. S. Angadi vs. Secretary, Basava Samiti, Bangalore)

ORDER

10-12-2007

1. In his request dated 22-9-2006 under RTI Act, addressed to the Respondent, the Complainant has sought papers / documents relating to nine items including grant of site for Basave Samiti Office at High Grounds in Bangalore, possession of lands at Doddabele and Kengeri, creation of Basava Samiti Trust, expenditure incurred by the Samiti for several purposes etc. -

2. The Samiti, hereinafter referred to as the Respondent, has sent him a reply dated 19-10-2006, in which part of the information sought has been provided. Samiti also stated that Complainant's petition on the above issues was pending before the District Registrar. Further the same issues were raised by the Complainant in the general body meeting of the Society on 05-02-06 and 10-09-06, which issues were discussed and information was provided by the office bearers. On some of the issues the Samiti has asked the Complainant to approach the Government / concerned authorities.

3. Aggrieved by the reply, Complainant has filed this complaint before the Commission. He states that Respondent has not allowed him access to the records sought by him but has instead asked him to approach the concerned authorities without specifying the designation of such authorities. He further states that in case the information was available with some public authority, Respondent should have transferred the application to such public authority under section 6 of the Act.

4. During the first hearing held on 25-01-2007, Respondent stated although it has received some one time grants, it is not substantially financed by the Government. Therefore it was not a public authority under section 2(h) of the Act and need not provide the requested information. He also filed annual reports of the society for 2004-05 and 2005-06 in support of his contention.

5. Thereafter the Respondent has filed his statement of objections dated 23-01-2007. Complainant has filed his rejoinder dated 08-03-2007. Respondent filed his written response dated 08-06-2007 to the *rejoinder*. Respondent and Complainant have filed further written statements dated 05-07-07 and 05-09-07. Oral arguments were heard on 14-09-2007 and orders were reserved to be pronounced on 10-12-2007.

6. *The only issue to be decided in these proceedings is whether the Respondent Basava Samiti, Bangalore is a public authority under section 2(h) of Right to Information Act, 2005. According to the said section "public authority" means any authority or body or institution of self-government established or constituted:*

(a) by or under the Constitution;

- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any:
- (i) body owned, controlled or substantially financed;
- (ii) non-Governmental organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

7. Complainant has argued that the Respondent is a public authority for two reasons. Firstly, it is a society registered under Karnataka Societies Registration Act 1960 and therefore falls under clause (c) of section 2(h) of the RTI Act as an institution established by any other law made by State Legislature. Secondly it has received grants from both the State and the Central Governments and as such it is also a body substantially financed by funds provided by the Government.

8. Commission has heard both the parties on these two sub-issues. The argument that the Respondent Samiti, a society, has been established by a law made by State Legislature is rejected outright because the societies are not established by the law. They are merely registered under the law and they are to abide by the law laid down for the purpose. Commission is of the view that there is no ambiguity here and further elaboration is not necessary on this sub-issue.

9. The second sub-issue is an issue of fact. It is for the Complainant to establish that the Respondent society has been substantially financed by the Government. The term "substantially financed" has not been defined under Right to Information Act, 2005. Therefore this Commission has been adopting the definition of the term as contained in Comptroller and Auditor-General's (Duties, Powers and conditions of Service) Act, 1971. The explanation below section 14(1) and section 14(2) of the Act read as follows:

"EXPLANATION: Where the grant or loan to a body or authority from the Consolidate Fund of India or of any State or of any Union Territory having a Legislative Assembly in a financial year is not less than Rupees twenty-five lakhs and the amount of such grant or loan is not less than seventy-five percent of the total expenditure of that body or authority, such body or authority shall be deemed for the purpose of this sub-section, to be substantially financed by such grant or loans as the case may be (2) Notwithstanding anything contained in sub-section (1), the Comptroller and Auditor-General may, with the previous approval of the President or Governor of a State or the Administrator of a Union Territory having a Legislative Assembly, as the case may be, audit all receipts and expenditure of any body or authority where the grant or loan to such body or authority from the Consolidate Fund of India or of any State or of any Union Territory having a Legislative Assembly, as the case may be, in a financial year is not less than rupees one crore.

10. In line with the logic of the above provisions, Commission has been adopting the criteria that a body could be deemed to be substantially financed by the Government for the purpose of section 2(h) of the RTI Act if the total assistance from the Government during any of the three preceding three years was (i) not less than Rupees twenty-five lakhs and seventy-five percent of the total expenditure of that body or authority or (ii) was not less than Rs. one crore. This criterion was discussed with the parties during the hearing on 08-06-2007 and they were asked to file their views before the Commission within 30 days. Neither of the parties has objected to this criterion and as such the Commission adopts the same criteria in this case also.

11. Respondent Samiti was asked to file its accounts for last three years and it has filed the accounts for the years 2004-05, 2005-06 and 2006-07. It is seen from these accounts that the accounts are drawn separately for the Samiti and for the five institutions / sections run by it namely Basava Institute of Naturopathy & Yogic Sciences, B.R.C.P.U. College for girls, Basava

Working Women's Hostel, Basava Journal's Section and Basava Publication Section. Thereafter surplus / deficit in the accounts of these five institutions / sections is written into the accounts of the Basava Samiti as income or expenditure.

12. During 2006-07, Basava Journal received a grant of Rs. 60,000 and Basava Institute of Naturopathy & Yogic Sciences received a grant of Rs. 2,93,479. (Please see page 106 of 42^M Annual Report for 2006-07). During 2005-06, the Journal received a grant of Rs. 69,000 and Basava Institute of Naturopathy & Yogic Sciences received a grant of Rs. 3,00,000. (Please see page 116 of 41^o Annual Report for 2005-06). For 200405, the grant is shown as Rs. 1,50,000 for Basava Institute of Naturopathy & Yogic Sciences only.

13. The grants therefore fall far too short of the criteria laid down in Comptroller and Auditor-General's (Duties, Powers and conditions of Service) Act, 1971, for bringing the Samiti within the definition of 'substantially financed by the Government'.

14. Complainant has argued that the Samiti exists only on account of substantial assistance from the Government. He has stated that Government has sanctioned assistance of Rs. 40 lakhs during 2006-07 for road construction and several lakhs on function for release of Basava coin. Earlier Government had granted a prime site of 4,222 Sq. yards at Bangalore and valuable land of 116 acres 33 guntas near Kengeri village, which properties are being used by office bearers for commercial business to earn Rs. 80 lakhs annually, in deliberate breach of grant orders. Complainant has stated that this amount of Rs. 80 lakhs is indirect financial assistance from Government to the Samiti.

15. While it is true that the Samiti has shown a rental income of over Rs. 80 lakhs in its accounts for 2006-07, but the Samiti has developed the land and made constructions. The Complainant has not been able to directly relate the rent to the land granted by the Government. One time grant of land or seed money does not constitute substantial financing for all times. Commission therefore replies to the main issue in negative and, decides that the Respondent Samiti is not covered under the definition of public authority under Right to Information Act, 2005. It is therefore not obliged to provide the information **sought** by the Complainant under the said Act.

Accordingly, the Complainant is disposed off as having been rejected
16. Pronounced in the open court, this 10th day of December 2007.



II Cataloguing and indexing of the records as envisaged under section 4(1)(a) and publication of suo motu declaration under section 4(1)(b)

Making available lists of records from LMS and FMS of Karnataka Sachivalaya Vahini to the Petitioner to identify the relevant records:

KIC 1053 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri J. N. Jayashree vs. PIO & Additional Secretary, C.M.'s Secretariat, Vidhan Soudha, Bangalore)

O R D E R

17-9-2007

1. Complaint is present along with Sri M. N. Vijayakumar to assist her. Sri Srinivasamurthy, Section Officer, DPAR (Services-A) represents the Respondent. He produces two files for inspection and same are inspected by the Complainant. Complainant seeks photocopies of both the files.
2. Complainant also states that in one of the files, there is a noting by the Respondent Sri A. P. Athre stating "there is one more file on this file, please put up".
3. Complainant states that in case, there are some more files, other than these two files, on the transfer of Sri M. N. Vijayakumar, which have not been produced for inspection by DPAR, the same may also be traced out and allowed to be inspected.
4. Respondent is directed to verify whether there are any other recent files i.e. September 2006 onwards relating to transfer of Sri M. N. Vijayakumar, the same may be traced and the Commission may be informed of the existence of such files with a copy to the Complainant.
5. Commission directs that, the Respondent shall provide a photocopy of these two files to the Complainant within 15 days, free of cost, through RPAD, under intimation to the Commission.
6. Apart from the records already been provided, the Complainant states that she has sought information on 19 items in her request and the Respondent should be asked to respond to them.
7. Commission observed that the exercise of right to information is permissible in the manner described under the Act. A list of all the records maintained by Public Authority is made available to the citizen. The citizen has a right to seek inspection of any files / records and seek photocopies of any documents. He may also ask what action if any, has been taken on the request made by her. However, it may not be possible for the administration in all cases to go through all the voluminous records and provide the information like the ones sought by the Complainant. Section 7(9) of the Act is clear on this issue.
8. Commission therefore directs that a list of all the files since 2005, when computerized file management system (FMS) came into being, (except those which are exempt from disclosure under the provisions of the Act) shall be provided to the Complainant and also placed on the website of the DPAR.
9. Complainant also sought information regarding action taken for payment of salary of Sri M. N. Vijayakumar. Respondent is directed to provide the information to the Complainant within 20 days under intimation to the Commission.
10. The complaint is adjourned to 1.10.2007 at 3.30 pm for recording compliance.
11. Dictated, draft corrected, signed and pronounced in the open Court, this 17th day of September 2007.

a. Cataloguing and indexing of the records using FMS of Sachivalaya Vahni:

KIC 123 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri N. Anbarasan vs. Deputy Secretary (Adm.), RDPR Department, Bangalore)

O R D E R

21-3-2007

1. Complainant is present. Respondent Sri Kumaraswamy, PIO and Deputy Secretary to Government (Administration), RDPR Department, Bangalore, is present along with Sri Mubarak Ahmed, Superintendent.
2. Respondent states that in pursuance to the request for information of the Complainant dated 7th August 2006, information was furnished to the Complainant on 4-9-2006.
3. Complainant acknowledges receipt of the intimation. However, he states that he has not received complete information.
4. Respondent produces a hand book containing voluntary disclosure under section 4(1)(b) including names and designations the PIOs, APIOs and the First Appellate Authorities, which hand book was handed over to the Complainants on the spot.
5. As regards cataloguing and indexing of records as envisaged under section 4(1)(a) of the Act, Respondent states that the list of records held by the public authority is available under the File Monitoring System (FMS) of the Karnataka Government Secretariat. Further, he states that this is voluminous information, covering approximately 400 pages.
6. Complainant agrees that this information about records held by the public authority under File Monitoring System may be provided to him as a soft copy. Respondent undertakes to provide this information to the Complainant, including the list of closed records sent to the archives, as a soft copy, within 30 days, free of cost, through RPAD, under intimation to the Commission.
7. As regards information provided to the Commission for preparation of Annual Report, it is clarified to the Complainant that this information will form the part of the annual report of the Commission to be placed before both Houses of Legislature. Hence, the Public Authority is unable to divulge the information at this stage.
8. The complaint stands disposed off as having been redressed in view of the compliance and the undertaking and in terms of the above directions.
9. Dictated, draft corrected, signed, and pronounced in the open Court, this 21st day of March 2007.

b. Cataloguing and indexing of the records of societies and firms in the Urban District:

KIC 1064 COM 2006
KARNATAKA INFORMATION COMMISSION
(Sri G. Vincent vs. District Registrar, Bangalore Urban District)
ORDER

28-11-2007

1. Complainant is present. Respondent Sri G. Surendra, PIO and District Registrar, presently working as Law Officer, in the office of the Inspector General of Registration, Bangalore, is present.
2. Respondent states that in pursuant to the Commission's directions, the task of cataloguing and indexing of the records relating to firms and societies has been completed. Further, he states that approximately there are 35,000 records relating to the Society and 65,000 records relating to the Firms in Bangalore Urban District which have been catalogued and indexed.
3. He also states that efforts are also on to place the data on the website of the department www.kri.igr.org
4. Further, he states that a list of records catalogued and indexed has been furnished to the Complainant in a soft copy in the form of CD. He also submits that a list of Societies which have not submitted the annual returns along with the statement of account have also been categorized and the lists have been prepared in CD as well as in hard copy. Respondent has filed a compliance dated 27.11.07. Complainant acknowledges the receipt of the information and states that he is satisfied with the information furnished and he has no objection to dispose of the case.
5. **Commission noted the compliance. Commission lauds the efforts of the IGR,**



especially of the Respondent Sri B. Surendra, District Registrar and Law Officer, Office of the IGR, and other concerned officers in cataloguing and indexing of records and also preparation of a list of Societies which have not filed Annual returns. Commission also advises the IGR to place this appreciation of the Commission on the personnel records of Sri Surendra and other concerned officers.

6. In view of the compliance and in terms of the direction, the complaint is disposed off as having been redressed.

7. Dictated, draft corrected, signed and pronounced in the open court, this 28th day of November 2007.

c. Modification of website on feed back system:

KIC 1098 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri G. Vincent vs. PIO and Desk Officer, DPAR (AR), B'lore)

ORDER

10-7-2007

1. Complainant is present. Smt. Savithri, PIO and Under Secretary, DPAR (Jana Spandana), V.V. Towers, Bangalore, is present along with Smt K. Banumathi, Section Officer.

2. Vide his application dated 28-12-06, the Complainant has sought information on three items relating to providing information on cataloguing and indexing of records as envisaged u/s 4(1)(a) of the Act, suo motto declaration prepared and published u/s 4(1)(b) of the Act, details of PIOs and APIOs appointed by various Public Authorities and the action taken by the department through the Public Grievances Cell on the complaints received against other departments.

3. In response to this, the Respondent has transferred item number 2 relating to providing information on appointment of PIOs and APIOs to the concerned Public Information Officer, DPAR (AR), on 10-6-07, to provide the information under intimation to the Complainant. Further, she has also issued intimation on 11-1-07 seeking payment of Rs. 28/- towards cost of supply of information of 28 pages on item numbers 1 and 3. Accordingly, the Complainant has paid the required additional fee on 1-3-07 and the relevant information was furnished to him on 15-3-07. However, the Complainant having not satisfied with the information furnished to him has filed complaint to the Commission on 4-4-07. On issue of summons, the Respondent has filed written statement along with copies of information furnished to the Complainant.

4. Commission verified the information furnished to the Complainant. On examination, it is noticed that the Respondent has not provided the information on cataloguing and indexing of records as envisaged under section 4(1)(a) of the Act. Respondent states that the process of cataloguing and indexing of records will be undertaken and completed within 15 days and a copy of the same will be provided to the Complainant, free of cost, through RPAD.

5. Commission also directs the Respondent to put the information on cataloguing and indexing of records on the departmental website i.e., www.dpar.kar.nic.in Further, the Complainant states that the feedback option on suggestions / complaints which is on the domain of the DPAR (Jana Spandana) is still with them and this needs to be directed to the DPAR (AR) as the DPAR (AR) is the Nodal Agency for implementation of the RTI Act.

6. Therefore, Commission directs the Principal Secretary, DPAR (Jana Spandana), to take up the matter with the NIC for changing over the feedback option to the DPAR (AR) and see that a suitable modification is carried out in this regard. Further, through this order, Commission directs the Director, NIC, to review the present feedback system and carry out the necessary changes for diverting the feedback to the DPAR (AR) as suggested above. Respondent undertakes to comply with the above directions of the Commission.

7. In view of the above directions and undertakings, the complaint is disposed off as having been redressed.

8. Dictated, draft corrected, signed, and pronounced in the open Court, this 10th day of July 2007.

d. Missing/loss of records – cataloguing and indexing of the records:

KIC 172 APL 2007

KARNATAKA INFORMATION COMMISSION

(Sri K. Harindranath vs. PIO & Assistant Commissioner, BDA, Bangalore)

ORDER

20-6-2007

1. Appellant is present along with his Advocate Sri Muralidhar. Sri Muralidhar has filed vakalat. Sri H. S. Ramachandra, Office Superintendent, Reconvey Section, BDA, Bangalore, represents the Respondent along with Sri R. Ranganna, caseworker.

2. In his request for information dated 30-11-2006, the Appellant has sought copies of the documents filed by Late Sri Janardhan Reddy for transfer of rights to Smt. K. M. Premavathi, during the year 1976 in respect of site numbers 180 and 181 in Binnamangala, 2nd Stage, Indiranagar, along with the orders of Commissioner, Assistant Commissioner and file notings.

3. In response, Respondent has issued an endorsement stating that the relevant record relating to the request for information is not available. Subsequently, the Appellant has filed a first appeal before the Commissioner, BDA, on 30-11-2006.

4. The Commissioner and First Appellate Authority in his order dated 13-2-2007 observed that the relevant record relating to the letters of Late Sri Janardhana Reddy to transfer the site numbers 180 and 181 of Binnamangala 2nd stage to Smt. K. M. Premavathi is not available as the original record re-conveyance is not available in the office of the BDA. Therefore, the Commissioner in his order has directed the Assistant Commissioner to furnish the information available on the built up records and also to make efforts to trace the original file. He has also directed the Superintendent of Police, BDA, to help in tracing the above missing record.

5. Appellant states that despite the orders of the First Appellate Authority, no information has been furnished so far. The Appellant has therefore filed this second appeal before the Commission on 29-3-2007.

6. Respondent states that on receipt of summons from the Commission, information on item numbers 3 and 4 of the request has been furnished to the Appellant on 8-6-2007 through registered post. Appellant however states that he is not in receipt of the said information sent by the Respondent so far.

7. Respondent had brought the certified copies of the information already furnished and hands over the same to the Appellant on the spot. On verification of the information furnished, the Appellant states that so far, the Respondent has provided the information on item numbers 3 and 4 only and the BDA has not taken action to search and trace the relevant record relating to the information sought on item numbers 1 and 2, which relate to providing a copy of the letter of late Sri Janardhana Reddy and also Chairman's order for acceptance of the above request, etc. Further, he states that the BDA has taken action to transfer the above sites in the name of Smt. K. M. Premavathi, though the original record was not available.

8. Commission noted the submissions made by both the parties. Commission also noted orders the BDA Commissioner to search and trace the missing record. However, the Respondent states that so far the notices have not been issued to the concerned officers who are responsible for misplacing and loss of records.

9. Therefore, Commission directs BDA Commissioner to expedite the process of cataloguing and indexing of the records as directed by this Commission earlier and also ensure that the enquiry that has been ordered to fix the responsibility on the officer concerned for loss of record is completed early. The enquiry shall also ex-

amine the submission made by the Appellant that the concerned officers have taken action to transfer the title of the sites in favour of Smt. Premavathi, in absence of the original records.

10. Further, it is also directed that as soon as the relevant records are traced, the required information sought by the Appellant shall be provided to him immediately, free of cost, through RPAD, under intimation to the Commission.

11. The appeal is disposed off as having been allowed in view of the compliance and in terms of the above directions.

12. Dictated, draft corrected, signed and pronounced in the open Court, this 20th day of June 2007.



III Incorporation in providing reasons for administrative decisions:

KIC 1333 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri Ravindranath Guru vs. PIO and Deputy Director, Pre-university Board, Bangalore)

ORDER

16-7-2007

1. Complainant is present. Respondent is absent.
2. Complainant in his request for information dated 9-3-2007 has sought information on three items relating to approval of proposals for opening of PU Colleges for the years 2006-07 and 2007-08 in South Zone, Bangalore City, including details of date of submission, date of approval, list of proposal rejected, list of proposals pending with reason etc.
3. Since Respondent did not provide the required information to Complainant within the stipulated period of 30 days he has filed this complaint before the Commission on 2-5-2007. On receipt of summons, Respondent had provided the required information to the Complainant on 21-6-2007 through registered post with a copy to the Commission.
4. Complainant acknowledges receipt of the information but states that the information furnished to him is incomplete, as the Respondent has not provided the relevant information on item numbers 2 and 3 of the request, which relate to proposals rejected and the proposals pending with the department.
5. Complainant further states that a time frame has not been drawn or adhered to by the Education Department for sanctioning new colleges / courses resulting in undue hardship to the student community as many of the newly sanctioned PU Colleges in the Bangalore city were opened in the months of June-July viz only after the academic year has commenced. Therefore, he requests that suitable directions may be issued to the Government in Education Department to draw up a time frame / calendar for sanctioning / opening of new PU Colleges.
6. Commission noted the submission of the Complainant. Commission also noted that the Respondent has provided incomplete information and is absent. Therefore, Commission through this order directs the Respondent, i.e., Deputy Director, PU Board, to provide the relevant and complete information on item numbers 2 and 3 of the request, to the Complainant, within 10 days, free of cost, through RPAD.
7. Commission noted that under section 4(1)(b)(iii) of the Act, Public authorities are required to publish the procedure followed by them in their decision making process. Accordingly, Commission directs the Commissioner, PU Board, Bangalore to examine the above submissions made by the Complainant in respect of time bound sanction for opening of new PU Colleges, document and publish the procedure and file a report with the Commission within 30 days.
8. Further, through a copy of this order, Commission directs the Respondent namely, Sri P.Nanjundamurthy, PIO and Deputy Director, P. U. Board to show cause within 30 days why penalty should not be levied on him under section 20 of the RTI Act, for having furnished incomplete information and also for delay in furnishing the required information.
9. He may make further oral and / or written submissions during the next hearing.
10. He is also directed to be personally present during the next hearing.
11. The complaint is adjourned to 16th November 2007 at 3.30 p.m.
12. Dictated, draft corrected, signed and pronounced in the open Court, this 16th day of July 2007.



IV. Orders on providing correct and relevant information under section 6:

Authenticity of information furnished:

KIC 1282 COM 2006

KARNATAKA INFORMATION COMMISSION

(Sri N. Anbarasan vs. PIO, e-Governance Department, DPAR (AR))

ORDER

4-6-2007

1. Complainant is present. Respondent Sri Gangadhar Dathanal, In-charge PIO and Desk Officer, e-Governance Department, is present along with Sri H.S. Shankar, Senior Programmer.

2. In pursuance to the Commission's direction, the Complainant has filed a written statement of arguments on 10.4.2007 with a copy to the Respondent. In response to this, the Respondent has filed a rejoinder on 21.4.2007. However, the Respondent has handed over a copy to the Complainant on the spot. In his statement of arguments, the Complainant has stated that the contention of the Respondent that there is no need for certification to the NUDI software that it meets the requirement set out in the Government Order dated 1.11.2000 is not correct, as it is misleading. Further, he states that in his request for information he has sought not only certification, but also other documents relied upon by the Respondent to show that NUDI software meets the requirement stipulated in Government Order dated 1.11.2000. Further, the Complainant states that in the submissions made by the Respondent on 12.3.2007, the Respondent stated that the software is owned by the Government and the entire right vests with the Government. This statement of the Respondent is wrong as the rights of the Kannada software development absolutely does not vest with the Government. Hence, the information furnished is false.

3. Complainant further states that in his written submission dated 12.3.2007, he has submitted a comparative chart showing the standard fixed by the Government and non-standard used by the e-Governance Department in development of NUDI software. He states that the Respondents have not filed any objections to this statement.

4. As regards the information on item number 19, the Respondent states that as nodal department, e-Governance Department has collected and compiled various software used in the Government Departments. However, he states that e-Governance Department has not undertaken monitoring, supervising or auditing of these softwares. Therefore, he states that information on efforts taken to use Kannada software as per the standard fixed by the Government is not available in the e-Governance Department records. The Complainant has sought clarification from the Respondent whether the above statement of the Respondent that supervising, development and auditing of softwares was not undertaken will apply to the softwares that were belonging to the Department of IT and BT and subsequently transferred to the e-Governance Department. The Respondent states that he would verify the relevant records and file the submission to the Commission within 15 days in this regard.

5. Further, he states that in all the technical advisory panels of the Government Departments constituted by the Government, the e-Governance Representative will be one of the members, invariably participates, and render advice in the process of procurement of hardware and software.

6. Further, the Complainant states that he needs to go through the rejoinder filed by the Respondent and file his comments and therefore he seeks time. Commission directs both the parties to file their written comments within 30 days with a copy to each other under compliance to the Commission.

7. Complaint is adjourned to 5.9.2007 at 3.30 P.M.

8. Dictated, draft corrected, signed, and pronounced in the open Court, this 4th day of June 2007.



V Refund of excess fee collected:

KIC 163 APL 2007

KARNATAKA INFORMATION COMMISSION

(Sri M. Shiva Prasad vs. PIO & DD, Food & Civil Supplies Dept., Mysore & another)

O R D E R

31-5-2007

1. Appellant is present along with Sri R. Somasundara advocate. Sri R. Somasundara files vakalat. Sri G. Venkatachalaiah, Assistant Director, Office of the Deputy Director of Food and Civil Supplies, Mysore, represents the Respondent.

2. In his request for information dated 5-1-2007, Appellant has sought details of distribution of ration cards including list of eligible beneficiaries under BPL category, Akshaya Yojane, Anthyodaya Yojane, Annapura Yojane, etc, in form of a CD.

3. In response, Respondent has issued an endorsement dated 20-1-2007 to the Appellant stating that computerization of the data collected for issue of ration cards in Mysore District including urban areas has been entrusted to M/S Comet Technologies, Mysore. Therefore, he has directed the Appellant to approach the Commissioner of Food and Civil Supplies, Bangalore, in this regard.

4. Aggrieved by the decision of the PIO, Appellant has filed a first appeal before the Deputy Commissioner on 25-1-2007. The Deputy Commissioner in his endorsement issued to the Appellant on 7-2-2007 has stated that since the enumeration of the beneficiaries undertaken in the district has not been completed, the information sought for could not be furnished. Aggrieved by the decision of the First Appellate Authority, the Appellant has filed this second appeal before the Commission on 9-3-2007.

5. Respondent states that on issue of summons from the Commission, the entire matter was re-examined and in consultation with the Commissioner for Food and Civil Supplies, Bangalore and the Deputy Commissioner, Mysore District, it was decided to provide the information sought for in the form of CD. The relevant data was obtained from the consultant who was entrusted with the work of computerization of the data. Thereafter, information was furnished to the Appellant on two occasions i.e., on 23-5-2007 and 29-5-2007.

6. Respondent further states that information provided constitutes 70% of the required information. He also states that the remaining information will be furnished to the Appellant within seven days, as the required information has already been written in the CD form.

7. Appellant acknowledges receipt of the information in the form of two CDs. However, he states that the information furnished is incomplete and there is inordinate delay in providing the information. He also states that the Respondent has collected a sum of Rs. 600-00 as additional fee towards the cost of supply of information. But so far, he has furnished the information only in two CDs and that too after the expiry of the stipulated period of 30 days.

8. Appellant further states that as per the admission of the Respondent, the entire information sought can be accommodated in three CDs and as per the Karnataka Right to Information Rules, the Respondent should have first calculated the fees payable and could have intimated the Appellant to remit the exact amount. The Respondent without providing the calculation has collected unreasonably high fee and he has provided the information after the lapse of 30 days. Hence, he is entitled to get the information free of cost. Therefore, he says that the Commission may order for the refund of additional fee of Rs. 600-00 paid by him.

9. In view of delay in providing information, Commission directs that the entire fee of Rs. 600 charged from the Respondent shall be refunded to him by a crossed DD or payorder, within one month, through RPAD, under intimation to the Commission.

10. Further, Appellant has filed an application seeking payment of compensation for the detriment suffered by him on account of filing the appeal before the Deputy Commissioner and before the Commission and also towards the avoidable expenditure incurred by him. Commission noted the submission made by the Appellant. A copy of the Affidavit

filed by the Appellant is handed over to the Respondent on the spot. The Respondent is directed to file objections if any, within 30 days, with a copy to the Appellant.

11. Commission noted that information sought was voluminous and the the Deputy Commissioner had not provided the information because the process of enumeration was reportedly not complete. However Commission directs the Respondent Sri S. C. Mahadevappa, Deputy Director, Food and Civil Supplies, Mysore, to account for each day's delay and show cause why action should not be taken against him under section 20(1) of the Act for delay in furnishing the information and also for having charged unreasonable fee for providing the information, within 30 days.

12. He may make oral and / or written submissions on the next date of hearing. He is also directed to be personally present during the next hearing.

13. The appeal is adjourned to 4th September 2007 at 3.30 pm.

14. Dictated, draft corrected, signed and pronounced in the open Court, this 31st day of May 2007

KIC 163 APL 2007
KARNATAKA INFORMATION COMMISSION

(Sri M. Shivaprasad vs. PIO and DD of Food & C.S. Dept., Mysore & others)

ORDER

4-9-2007

1. Complainant is absent. Respondent Sri S. E. Mahadevappa, PIO and Deputy Director of Food and Civil Supplies, Mysore, is present.

2. Respondent states that the process of computerization of issue of the temporary coupons has been completed in respect of Urban and Rural areas of Mysore District except grievance main which relates to the missing entries. Further, he states that the complete information in respect of the above items has been furnished to the Complainant on 6-6-07 and 13-6-06 by way of soft copy 3 CDs by muddam.

3. Further, he states that so far the information in respect of the computerization on issue of temporary coupons in 16 CDs has been provided to the Complainant. Further, he also states that in pursuance to the Commission's direction the additional fee of Rs. 600/- collected from the Complainant has been refunded through DD on 12-6-07. Further, the Respondent states that the information so far collected and compiled and entered in the computer has been furnished to the Complainant completely.

4. As regards the payment of compensation of Rs. 5,000/- towards the avoidable expenditure incurred by the Complainant, the Respondent states that the information could not be furnished as the information was not held by the public Authority at the time of the request. Further, the process of data entry, issue of the temporary coupons and the creation of database was undertaken through consultants and there was delay in obtaining the relevant information from the consultants through the Commissioner of Food and Civil Supplies. Therefore, the delay was not intentional and to cause avoidable expenditure to the Complainant.

5. Further, the Respondent has also filed his explanation on the proposed penal action against him for delay in furnishing the information and also having charged unreasonable. Respondent states that information sought for was actually furnished in 16 CDs and not in 2 CDs as admitted before the Commission earlier. Further, he states that the information sought for was not readily available with him and same had to be obtained from the consultants as narrated above. Therefore, the Respondent states that the claim of the Complainant for awarding compensation may be rejected and also the proposed penal action against him may be dropped.

6. Commission noted the submission of the Respondent. Commission directs the Respondent to send a copy of the written reply filed by him to the Commission. Commission also noted that the Complainant has sought voluminous information and this information was not readily available with the Respondent. However, the

Respondent should have taken action to transfer the request for information of the Complainant to the Commissioner for Food & Civil Supplies, who is the authority to get the task of computerization of ration cards, under intimation to the Complainant, as required under section 6(3) of the Act in this regard. Complainant has failed to do so.

7. Further, the Respondent is also not well versed with the provisions of the RTI Act as he has not properly calculated further fee payable for the information to be furnished. Therefore, he is directed to acquaint himself well with the provision of the RTI Act. Commission examined the application of the Complainant and as well as the objections raised by the Respondent on the claim of the Complainant to pay compensation. Since the information sought for was voluminous and it was not readily available and the Respondent after obtaining the permission of the Commissioner of the Food and Civil Supplies, has given voluminous information 16 CDs. Therefore, the Commission rejects the claim of the Complainant for awarding compensation. Further, the Commission accepts the explanation of the Respondent in respect of proposed penal action against which a caution that he should be careful and prompt in dealing with the requests for information received under the RTI Act.

8. The complaint is disposed off having been redressed, in terms of compliance and directions.

9. Dictated, draft corrected, signed and pronounced in the open Court, this 4th day of September 2007.

KIC 1065 COM 2007
KARNATAKA INFORMATION COMMISSION

(Sri N. Anbarasan vs. CAO & FA, Medical Education Department Bangalore-9)

O R D E R

1-8-2007

1. Complainant is present. Sri Subash Thogave, PIO and Chief Accounts Officer, Directorate of Medical Education is present along with Sri N. Manjunath, First Division Assistant and Sri Ramakrishna, Equipment Technician.

2. Vide his application dated 22-2-07, Complainant has sought information on 19 items which relate to documents relied upon to believe that the Nudi Kannada software being used is in conformity with the standards prescribed in G.O. dated 1-11-2000, number of computers used in the organization, Kannada Software used, details of the compliance report on zero piracy, software audit etc.

3. In response, the Respondent has issued an intimation to the Complainant on 16-03-07 asking him to pay additional fee of Rs. 346 towards cost of supply of information. On payment of the additional fee the Respondent has provided the required information to the Complainant.

4. Not satisfied with the information furnished to him, the Complainant has filed this complaint before the Commission on 4-4-07. In his complaint petition, the Complainant has stated that the PIO has provided misleading information on item numbers 1 & 13 and PIO has sought unreasonable additional fee on item number 15 & 16. Therefore, information should be provided free of cost and appropriate action as deemed fit may be taken by PIO for providing misleading and false information and also having charged un reasonable additional fee.

5. On receipt of summons the Respondent has filed a written reply along with the copies of the information furnished to the Complainant dated 30-05-07.

6. Complainant states that the Respondent in his reply on item number 1 has stated that the Nudi Kannada software which is used in the Directorate is downloaded from the website of Kannada Ganaka Parishad, which is not the relevant information. However, Commission brought to the notice of the Complainant that in similar cases, the Commission has already ordered that wherever the department does not have the expertise and technical knowledge to answer item numbers 1 & 19, they will be automatically stand transferred to the e-Governance Department for providing the information. Therefore, in the present case, the Respondent

is directed to transfer the relevant item number 1 to the e-Governance Department immediately to provide the information under intimation to the Complainant as required under section 6(3) of the Act. In case e-governance has already provided this information in response to any earlier request, the information will be deemed to have been provided.

7. As regard information on item number 13, Respondent states that the relevant information will be furnished to the Complainant in respect of use of MS Office in the Directorate based on records. As regards information on items numbers 15 and 16, the Respondent is directed to provide the information in form of a soft copy as sought by the Complainant, free of cost, within 30 days, through RPAD.

8. Commission observed that the Respondent has demanded payment of additional fee of Rs. 296, though the Complainant has specifically sought information in soft copy for which the fee payable under the Karnataka Right Information Rule is Rs. 50 only. Respondent shall therefore refund the extra amount to the Complainant, through a crossed D.D. or pay order, through R.P.A.D., under intimation to the Commission. Commission also directed the Respondent to familiarize himself with the provisions of RTI Act and Rules there under. He is also directed to be cautious and prompt in dealing with requests received under the RTI Act.

9. The Respondent undertakes to comply with the directions of the Commission.

10. The Complaint is disposed off as having been redressed in views of the undertaking and in terms of the above directions.

11. Dictated, draft corrected, signed and pronounced in the open Court, this 1st day of August 2007.



VI Suggestions of the Petitioner to the public authority on advertisement on Volvo buses:

**KIC 1627 COM 2007
KARNATAKA INFORMATION COMMISSION**

(Sri Francis J. Alphonso vs. PIO, Transport Commissioner's Office, Bangalore)

ORDER

7-8-2007

1. Complainant is present along with Sri Jagdish Mahendar to assist him. Sri R Muniveeregowda, Joint Commissioner, Transport and Sri Syed Shafi Ahmed, Secretary & RTO, Bangalore Urban District are present.

2. In his request for information dated 27-3-07, the Complainant has asked for the rule under which permission has been granted to BMTC to advertise on their Volvo Buses. Respondent states that they have sent a reply on 12-7-07 and a compliance report has also been sent to the Commission on the same day.

3. Respondent states that BMTC has not been permitted to advertise on its Volvo Buses and if BMTC is doing so, they are violating the ban on such advertisements ordered by the RTA.

4. Complainant suggests that although there could be some advertisements, which could divert the attention of the drivers and may results in accidents, simple advertisements like logo of a company should be permitted because this would help small entrepreneurs to earn some extra income. Complainant however is not aware whether the RTO could assume the authority to censor and approve the contents of the advertisements.

5. Respondent agreed to convey the request of the Complainant to RTA for consideration under the provisions of the Act.

6. Since the required information has already been provided, the Complainant is disposed off as having been redressed.

7. Dictated, draft corrected, signed and pronounced in the open Court, this 7th day of August 2007.



VII Recording incorrect deviation in violation of sanctioned building plan:

KIC 01 APL 2007

KARNATAKA INFORMATION COMMISSION

(Sri Ravindranath Guru vs. PIO & JC (Adm.), BMP (South), Bangalore)

O R D E R

6-3-2007

1. Appellant is present. Sri V. Yashwanth, Joint Commissioner, South Zone, BBMP, is present along with Sri A. N. Venkatesh, Head Quarters Assistant.

2. Respondent states that information sought relates to recording of incorrect measurements in building plan and building plan violations in respect of properties mentioned in the request for information. The request for information was actually transferred to the concerned Assistant Executive Engineer to provide the required information. However, Assistant Executive Engineer sent the required information to the Chief Engineer, who in turn has issued an endorsement on 4-12-2006 informing the Appellant of the action taken on his application.

3. Respondent states that the correct information was furnished to the Appellant on 20-1-2007 by post, which contains the actual building plan violations. Respondent has also filed a compliance report along with the copies of the information furnished to the Complainant. In his report, the Respondent has stated that the violation of the building plan and byelaws was discussed with the Appellant and action taken was also informed. However, fresh Provisional Order and Confirmation Order have not been issued as there is a stay order by the concerned Civil Court.

4. Appellant states that actually he has received the information only on 27-1-2007. Further, he states that there is inordinate delay in furnishing the information and also in verifying and noting the actual building plan and building laws violations. Further, he states that BMP should have brought the correct deviations to the notice of the concerned Court and should have taken action to get the stay order vacated.

5. Respondent undertakes to get the corrected Provisional Order and Confirmation Order filed before the Civil Court, within 15 days, through a Memo. He also undertakes to send a copy of the Memo filed before the Court to the Appellant. On a suggestion from the Commission, the Respondent also agreed to take disciplinary action against the concerned officers responsible for noting the incorrect deviations in the violation of the building plan and the byelaws.

6. The appeal stands disposed off as having been allowed in view of the compliance and in terms of the above undertakings.

7. Dictated, draft corrected, signed and pronounced in the open Court, this 6th day of March 2007



VIII Decision on disclosure of information under section 8 of the RTI Act:

KIC 183 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri. Manu Mark Iman Vs. PIO, District & Session Court, Davngere)

ORDER

27-3-2007

1. Complaint is represented by Sri Vikram Simha. Respondent Sri T. R. Harishappa, PIO and I/c Administrative Officer, o/o strict & Sessions Court, Davangere, is present. Respondent has filed a written statement.

2. In his request for information dated 13-12-2006. Complainant has sought copies of several documents and information regarding present status of the suit O. S. 108 / 2003 at Davangere along with some additional information.

3. As regards status of the suit, Commission observed that even the highest Court of the Country namely Supreme

4. Court of India has set up case information system through NIC under which the status of a case including next date of hearing and the last order passed is available on the web. As such, this information can be readily provided to the

5. Complainant by the PIO.

6. Commission went through the additional information sought and found that first request is in fact not a request for information. Respondent contends that the Complainant should have made a suitable application to the deciding Judge for this purpose. Similarly, for the second additional request for information also, an application should be made to the Court. Commission agrees with these contentions and decides that these two so called requests for additional information are in fact in the nature of requests to the Court and cannot be disposed off by the Respondent. A suitable application should be made before the Court for such purposes.

7. This leaves only one issue to be decided by the Commission, namely whether a citizen can seek copies of the documents from the court records under RTI Act, 2005. The argument of the Complainant is that these are public records and copies of these records have to be provided unless they are exempted from disclosure under any of the provisions of the RTI Act.

8. In present case, the information has been declined stating that the Complainant has alternative remedy of applying for documents under Karnataka Civil Rules of Practice to the concerned Court having custody of records. In other words, the Complainant is being advised to apply for copies of the documents under Karnataka Civil Rules of Practice (KCRP). Under Rules 230 of KCRP, a party to a suit or proceedings is entitled to obtain records of the suit or

9. proceedings including documents admitted in evidence. Rules 231 provides for application by a person who is not a

10. party to the proceedings. Rule 234 provides for orders by the Judge in case of any doubt.

11. Complainant argues that since he is a party to the proceedings, he is even otherwise entitled to access the documents u/r 230 of KCRP and as such, this information could not have been denied to him.

12. Commission observed that the RTI Act, 2005 provides for a different procedure for the citizens to obtain all Government records unless they are exempted from disclosure. Commission also observed that u/s 22 of the RTI Act, "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Scans Act, 1923, (19 of 1923), and any other law for the time being in force..." This being so, it is not open for any Public Information Officer or any Public Authority to disregard an application made under the Act and advise the applicant to follow an alternative remedy or procedure available to him for obtaining copies of the document.

13. Commission therefore holds that the reasons given for declining information

in Memo dated 16-12-2006, issued by the Chief Administrative Officer and PIO, o/c the District and Sessions Judge, Davangere, are not valid and that he should have dealt with the application on merits under the provisions of RTI Act and Rules framed thereunder.

14. In the written statement filed by the Respondent, he has further stated that the application has been refused u/s 8(1)(j) of the RTI Act. Commission however is of the view that although there could be some information in the records of the case, which could be personal information and may fall under the provisions of Section 8(1)(j), complete records of a suit cannot be said to be personal information exempt from disclosure under the provisions of Section 8(1)(j).

15. In the result, the Commission directs that the request made by the Complainant should be examined afresh by the PIO under the provisions of the RTI Act and a suitable decision taken.

16. Respondent who is personally present with records states that in view of the orders of the Commission, he has no objection to provide the available documents to the Complainant. He provides certified copies thereof to the Complainant on the spot. The Complainant states that he is satisfied with the information.

17. The complaint is disposed off as having been redressed in view of compliance and the above directions.

18. Desired, draft corrected, signed, and pronounced in the open Court, this 27th of March 2007.



IX Exemption from disclosure of information under section 8(1)(h) of the Act during investigation:

KIC 232 APL 2007

KARNATAKA INFORMATION COMMISSION

(Sri B. V. Seetharam vs. PIO & Superintendent of Police, Dakshina Kannada District,
Mangalore)

ORDER

31-10-2007

1. Appellant is absent. Respondent Sri N. Sathish Kumar, PIO and Superintendent of Police, Dakshina Kannada District, is present along with Sri H. N. Venkatesh Prasanna, Police Inspector,

2. Mangalore South Station, Sri Gangi Reddy, Circle Inspector of Police, Belthangady Station. and Sri Koushalendra Kumar, Assistant Superintendent of Police, Pagambur Sub-division.

3. Appellant in his request for information dated 4-5-2007 has sought the copies of the FIR / station record entries in respect of criminal cases filed by the department.

4. In response, the Respondent had issued an endorsement on 31-5-2007 intimating him to obtain the information on remittance of the further fee of Rs. 4/- towards the cost of supply of information. However, the Respondent didn't provide the calculation to show how he has arrived at the further fee payable.

5. Further, it is also stated that the information sought for is exempt under section 8(1)(h) of the Act as it would impede the process of investigation. However, having not satisfied with the information furnished to him, the Appellant had filed M appeal to the Inspector General, of Police, Western Range, Mangalore, who is the First Appellant Authority under section 19(1) of the Act. The First Appellate Authority in his order dated 30-6-2007 has noted that the Respondent had already given the information in respect of item no. 1 as he has already given the copies of First Information Report. However, he had rejected the appeal in respect of item no. 4 relating to Sri Premanath Kotian and Dinesh Amin as the matter is still under investigation and this information is exempt under section 8(1)(h) of the Act. Thereafter, the Appellant filed a second appeal to the commissioner on 9-6-2007. Commission issued summons to both the parties on 20-9-2007

6. Respondent states that the relevant information on item no. 1 is already been furnished. However, the information in respect of item no. 4 could not be furnished as the matter is still under investigation. He also states that information on item nos. 2 and 3 has already been furnished to the Appellant.

7. Commission noted the submission. However, the Commission directs the Respondent to provide the relevant document such as station record entries in respect of. item no.1 Commission also directs the Respondent to provide the copies of First Information Report and station record entries in respect of item no. 4 as soon as the investigation is completed and the charge sheets are filed.

8. In view of compliance and in terms of directions, the appeal is disposed off as having been allowed.

9. Dictated, draft corrected signed and pronounced in the open court, this 31st October 2007, at Mangalore.



X Direction to PIOs and public authorities under section 19(8) on providing access to information, publishing certain information or category of information on maintenance, management of records, etc.:

KIC 1589 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri. Ravindranath Guru vs. PIO & Under Secretary, Education Department, KGS, Bangalore)

ORDER

17-8-2007

1. Complainant is present. Sri K. Ramesh, Senior Assistant (Primary-A), Education Department, represents the Respondent.

2. In his request for information dated 9-3-07, Complainant has sought certified copies of the list of No Objection Certificates issued to open Indian Council for Secondary Education (ICSE) and Central Board for Secondary Education (CBSE) Syllabus classes in Schools in Bangalore South Zone during 2006-07 and 2007-08. In response, the Respondent had issued intimation to the Complainant dated 13-3-07 to remit an additional fee of Rs. 160/- for supply of information of 80 pages to the Government Account and produce the receipt to provide the relevant information. However, the said intimation, which was dated 13-3-2007, was actually received by the Complainant 10-4-07. Complainant has filed a complaint to the Commission on 22-5-07, on the ground that the Respondent had demanded the payment of additional fee after the expiry of the stipulated period of 30 days, though, in his intimation dated 18-04-07 has reminded the Respondent that he should furnish the information free of cost.

3. On issue of summons, the Respondent had furnished some information to the Complainant. Complainant acknowledges the receipt of information. However, he states that the information furnished to him is not only incomplete but also not certified as requested by him.

4. Commission examined the copies of the information furnished by the Respondent. The No Objection Certificates issued by the Education Department are not certified as requested by the Complainant. Further, the Respondent has provided consolidated information and he has not bifurcated the No Objection Certificates issued during the 2006-07 and 2007-08. Further, the Complainant states that the No Objection Certificates issued by the Government in Education Department do not indicate the details of the department, which has processed and recommended the proposal for issue of the No Objection Certificates including the date of application of the applicant institution. Respondent states that the relevant file relating to the request for information is not readily traceable.

5. Commission directs the Respondent to search and trace the relevant records pertaining to the Complainant's request and provide the certified copies of No Objection Certificates issued by the Government in Education Department and also bifurcate the information for the year 2006-07 and 2007-08 and also re-examine all the information and furnish correct information to the Complainant, within 15 days, free of cost, through RPAD.

6. Further, the Commission also examined the No Objection Certificates issued by the Government in Education Department as noted by the Complainant. These certificates do not indicate the details of the department, which has processed and recommended the proposal along with the details of the applicant institution. Therefore, the Commission in its power vested under section 19(8)(a)(iv) directs the Principal Secretary, Education Department (Primary and Secondary), to revise the modified certificates format suitably incorporating the details of the applicant institution along with the date of application and the details of the department, which has processed and recommended the proposal of the Government for issue of No Objection Certificates.

7. Further, the Complainant states that though the Education Department has designated the various Under Secretaries of the department as PIOs under the RTI Act, there is no Notice Board displaying the names and designation of the Officers

and the subject matter they deal with, to enable the information seekers to file their requests. Therefore, the Commission directs the Principal Secretary, Education Department (Primary and Secondary), to take suitable action to display the notification containing the names and designation of the Public Information Officer, the subject matters dealt by them and also the particular place, where the request for information under the RTI Act has to be filed by the applicant. Principal Secretary, Education Department, is directed to file compliance in respect of the action taken on the above items. The Respondent is directed to provide certified copies of the correct and complete information along with the copies of the Circulars issued by the Ministry of Human Resources, Government of India and State Government, as requested by the Complainant, free of cost, through RPAD, under intimation to the Commission.

8. Commission noticed that the Respondent had issued intimation wrongly demanding the payment of additional fee after expiry of stipulated period of 30 days in spite of the Complainant's request to furnish the relevant information free of cost. Further, there is undue delay in furnishing the relevant information. Therefore, Commission through this order directs the Respondent namely Sri B. S. Padasalagi, PIO and Under Secretary, to show cause within 30 days why action should not be taken against him under section 20(1) of the Act, to levy penalty, for having issued wrong intimation demanding payment of additional fee and also for delay in furnishing the required information. He is also directed to be personally present during the next hearing and make oral or written submission against the proposed penal action during the next hearing.

9. The complaint is adjourned to 16-11-07 at 3.30 pm, for further hearing.

10. Dictated, draft corrected, signed and pronounced in the open Court, this 17th day of August 2007.

KIC 1625 COM 2007
KARNATAKA INFORMATION COMMISSION
(Sri. S. Manjunath vs. PIO, B.D.A. Bangalore)
ORDER

10-8-2007

1. Complainant is present along with Sri G. Vincent to assist him. Respondent Sri Jagadish, Deputy Secretary-3(Allotment), Bangalore Development Authority, is present along with Sri N. S. Shamanna, Assistant Director of Town Planning, Sri Suresh Prathap Singh, Head Draftsman and Sri Peethambara Swamy, Junior Engineer, is also present.

2. Complainant in his request for information 30-4-07 has sought information on three items, which relates to providing the details of the Parks and Playgrounds along with the dimension and schedules formed in the Kengeri Satellite Town, details of allotment of the site numbers 1780 to 1790, and also allotment particulars of triangular site, and details of the meeting held on 26-6-94, 4-10-95, 17-12-99 and 24-7-03. In response, Sri Peethambara Swamy states that the information on item number 1 relating to furnishing the details on the number of Parks and Playgrounds formed in the Kengeri Satellite Town has been furnished to the Complainant along with the dimensions and schedules on 4-6-07. However, the Complainant states that he is not receipt of the said information. Respondent Sri Peethambara Swamy undertakes to provide a copy of the same to the Complainant through registered post, within a week, free of cost. As regards information on item number 2, Sri Jagadish, Deputy Secretary, states that the information on site numbers 1780 to 1790 is furnished and the details of the triangular sites could not be furnished as the Complainant has not furnished site numbers. A copy of the information already furnished is handed over to the Complainant.

3. On verification of the layout plan, the Respondent states that the particular triangular sites mentioned by the Complainant are earmarked for the temples which have been incorporated in the layout plan and these triangular sites are located in the layout between site numbers 1780 to 1791 and they have not been

numbered. The Complainant on verification of the layout plan states that he is satisfied with the information furnished to him on this item.

4. Further, the Respondent states that on item number 3, the Complainant has furnished only the dates and not specifically mentioned the details of the Committee to which these proceedings relate to, therefore he is unable to furnish the relevant information. Complainant states that these dates relate to the orders passed by the Commissioner in respect of the finalization of the layout plan which may include the additional sites. Commission directs Sri Peethambaraswamy, Junior Engineer, and Sri Shamanna, Assistant Director, to verify the relevant orders passed by the Commissioner while finalizing the Kengeri Satellite Town Layout and furnish correct information to the Complainant, within 15 days, free of cost, through RPAD.

5. However, there is inordinate delay in furnishing the information. Therefore, Commission directs the Respondents to be cautious and prompt in dealing with the requests for information received under the RTI Act.

6. In view of the compliance and in terms of the directions, the complaint is disposed off as having been redressed.

7. Dictated, draft corrected, signed, and pronounced in the open Court, this 10th day of August 2007.

KIC 358 COM 2006
KARNATAKA INFORMATION COMMISSION
(C.N.Kumaar Vs. P.I.O., Bangalore Dev. Authority)
ORDER

17-07-2006:

1. Complainant was present. The Respondents namely P.I.O., B.D.A. and P.I.O., B.M.P. were absent.

2. The Complainant stated that Joint Director, Town Planning, B.M.P., had sanctioned a license for construction of a commercial building in respect of Survey no.53/1 of Jakkasandra village, Koramangala, Bangalore South Taluk in violation of land use. The permitted land use for this survey number was light industry', whereas the sanctioned license was for construction of a commercial building. This was not only against the zoning regulations and the byelaws, but also caused loss of revenue to Government for change of land use.

3. It is seen that license has been issued by B.M.P. for a commercial building. B.D.A. on the other hand have informed the Complainant that a commercial building cannot be sanctioned on this survey number as per their (BDA) zoning regulations. In the light of above, the Complainant states that B.M.P. appears to have provided wrong and misleading information to him and action should be initiated against the concerned P.I.O.

4. The Complainant further states that he was asked to pay and he has actually paid Rs.14/- as additional fee towards the cost of supply of information. But he has been given one-paged information containing only an extract of inspection report whereas he had asked for the full report. As such there has been an overcharge and also the full information sought by him has not been supplied.

5. Through a copy of this order, Sri Harsh Gupta i/c C.E. and P.I.O., B.M.P., (by name) is directed to personally verify all the information provided to the Complainant by B.M.P., in response to this request and send a suitable reply to him with a copy to the Commission within a period of 25 days, meeting all the above referred issues raised by him. If he finds that the information supplied is incorrect and/or partial, he shall supply modified, full and correct information to the Complainant within the same period, by R.P.A.D. and free of cost with a copy to the Commission.

6. As regards Respondent's request for action under Sec.20 (1) to be initiated against the P.I.O. for imposition of penalty, it is noted that the then P.I.O. Sri Rame Gowda has since retired. However this request will be examined during the next



hearing provided it is established that the information supplied to the Complainant was indeed wrong /misleading.

KIC 358 COM 2007
KARNATAKA INFORMATION COMMISSION

(Sri C. N. Kumar vs. JDTP, BBMP, Bangalore)

ORDER

2-4-2007

1. Complainant is present. Respondent Sri S. S. Topigi, Joint Director of Town Planning and PIO is present along with Sri Hafiz, Deputy Director, Town Planning, BBMP, Bangalore

2. Respondent informs that Commissioner, BBMP has examined the entire issue and has stated that the information given by BBMP is true, correct, and based on available records. He has also stated that there was no need to modify the said Circular.

3. Respondent further states that recommendations of the Commissioner, BBMP have been examined by Principal .Secretary, U.D.D., in consultation with Director, Town Planning and the she has reached the conclusion that sanction of building plans for construction of shops and offices in light industrial areas was in keeping with the powers delegated to BBMP by the Government.

4. Respondent states that under the circumstances, information already furnished by BBMP may be treated as correct and there is no need for providing any revised information as per directions of the Commission.

5. As regards delay, Respondent states that the correctness of the information was examined at the level of the Commissioner and the Principal Secretary to Govt, U.D.D. and he could not have revised the information already provided, without their decision.

6. Principal Secretary to Government, Urban Development Department has brought the above facts to the notice of Commission vide her letter dated 29-3-07 addressed to the Secretary to Commission. The reply is taken on record. Complainant seeks a copy of this communication, which is provided.

7. Complainant does not agree with view taken by U.D.D. According to him any buildings, shops etc. in light industrial area must be for use by the workers / employees of the particular industry. Allowing commercial buildings and shops for real estate purposes in light industry zone has several implications including change in FAR and therefore is to be treated as a change in land use. A different interpretation would erase the dividing line between industrial use and commercial use.

8. Once it is held that a change in land use is involved, the power to allow the change vests in the planning authority and this power has not been delegated to BBMP. He therefore states that the Respondent as well as the public authorities have provided false information, that all of them should be treated as SPIOs and that penalty should be levied upon them under section 20(1) of Right to Information Act, 2005.

9. The issue before the Commission is whether the information provided by the SPIO and the public authorities is false and whether action should be initiated against them under section 20(1) of Right to Information Act, 2005.

10. Although it has the powers to penalize the concerned for furnishing wrong information, the Commission would not like to take upon itself the responsibility of interpreting the law on behalf of the Government. But considering the submissions of the Complainant, the interpretation taken by BBMP and UDD in this case does

not appear to be correct. Both BBMP and U.D.D. have said that opinion of Director of Town Planning has been obtained. BBMP has also pointed out that vide clause 2(b) of Zoning Regulations of 1995, the opinion of Director of Town Planning shall be final in respect of any ambiguity or doubt that may arise in the interpretation of the provisions of these Zoning Regulations.

11. Commission noted that the interpretation involves both, Zoning Regulations as well as Karnataka Town and Country Planning Act, 1961. Further, Zoning Regulations are approved by Government and so far as U.D.D. is concerned, opinion of Law Department and not that of Director of Town Planning is binding on it.

12. Commission noted that Principal Secretary, U.D.D., in her letter dated 29.03.2007 has further mentioned that she could be approached for any further clarification. Since the issue is whether the interpretation adopted by the BBMP and U.D.D. is correct, the Commission, through a copy of this order, directs that Principal Secretary, UDD shall get the present interpretation provided in her letter, confirmed from Law Department and that the opinion of Law Department shall be communicated to the Complainant as well as the Commission.

13. As regards action against the SPIO and public authorities, Commission decides that since they have provided the information based on records and the legal interpretation adopted by them, this is not a fit case for proceeding against them under section 20(1) of Right to Information Act, 2005.

14. Since information sought by the Complainant has been provided, the complaint is disposed off as having been redressed with the direction that the opinion of Law Department shall be communicated to the Complainant as well as the Commission preferably within a month from the date of this order.

15. Dictated, draft corrected, signed, and pronounced in the open Court, this 2nd day of April 2007.



XI Decisions on imposition of penalty under section 20(1) and recommending for disciplinary proceedings under section 20(2) of the Act:

**KIC 1027 COM 2006
KARNATAKA INFORMATION COMMISSION
(Sri Syed Rafiq Ahmed vs. D.C., Bangalore Urban District)
O R D E R**

16-7-2007

1. Complainant is present. Respondent Sri S. R. Venkatesh, PIO, & Headquarters Assistant to the Deputy Commissioner, Bangalore Urban District is present along with Sri Sundarkatti, Election Tahasildar and Sri H. T. Manjappa, Revenue Shirestedar.

2. Respondent states that in pursuance to the Commission's directions, an enquiry was held into the irregularities in change of khata and also loss of records pertaining to the change of khata. Further, he states that, during the enquiry the concerned Village Accountant namely, Sri Sriram has changed the khata by quoting the order of the Assistant Commissioner but the date has been wrongly mentioned as 14.5.2005 instead of 14.7.2005.

3. Respondent further states that the relevant file relating to khata change is also misplaced and as per the internal enquiry, it has been found that the Village Accountant Sri Sriram, Kengeri Circle is responsible for missing of record. He also states that a police complaint has been lodged about the missing record. However, the complaint does not mention the concerned accused Govt. Official (AGO) as a party.

4. Through a copy of this order, Commission brings the loss of record to the notice of Principal Secretary to Government, Revenue Department for appropriate action as per law. Commission is of the view that if as per the internal enquiry, it has been found that the Village Accountant Sri Sriram, Kengeri Circle is responsible for missing of record, the name of concerned accused Govt. Servant should be mentioned in the police complaint and a Departmental Enquiry should also be initiated against him for loss of record.

5. Respondent is also directed to furnish the information to the Complainant covering the above points which should include action taken to file police complaint and to initiate the departmental action against the concerned official within 10 days, free of cost, through RPAD under intimation to the Commission.

6. Respondent undertakes to take suitable steps to incorporate correct date of the orders of Assistant Commissioner in the concerned mutation register by following the prescribed procedure.

7. Complainant states that the Respondent did not provide the relevant information in time. Therefore he was prevented from taking action to file his objections against the proposal for conversion of land to non agriculture purpose. He therefore requests that he should be compensated and penalty should be levied on the Respondent.

8. On examination of records, Commission found that the Complainant had made his original request for information under Right to Information Act, 2005 to the Dy. Secretary & CPIO, President's Secretariat seeking certified copies of 'all the correspondence done with respect to file P2-244876'. In response, the President's office had informed that his letter has been sent to the Chief Secretary, Govt. of Karnataka for taking appropriate action.

9. The subsequent action taken by the Govt. of Karnataka is in pursuance to his request forwarded by the President and not in pursuance to his application

made under the Right to Information Act, 2005. Hence no action to levy penalty or pay compensation under the Act is permissible in this case.

10. Admittedly, there is delay in dealing with redressal of his grievance and the Respondent is directed to be careful and prompt in dealing with the public grievances in general and requests for information made under the RTI Act in particular. However, for aforesaid reasons, no legal action for levy of penalty can be taken in this case.

11. The complaint is disposed off as having been redressed in view of the compliance and in terms of the above directions.

12. Dictated, draft corrected, signed and pronounced in the open Court, this 16th day of July 2007.



XII Departmental enquiry against creation of bogus records:

KIC 1169 COM 2007

KARNATAKA INFORMATION COMMISSION

(Sri Krishnappa Hosamani vs. PIO and Tahsildar, Bangalore South, and others)

ORDER

22-5-2007

1. Smt. Jayashree and Sri Mruthyunjaya represent the Complainant. Sri D. Rangaiah, First Division Assistant, Office of the Deputy Commissioner, Bangalore Urban District; Sri Jagan, Second Division Assistant, Office of the Assistant Commissioner, Bangalore South; and Sri Narayanappa, Second Division Assistant, Office of the Tahsildar, Bangalore South, represent the Respondent.

2. The Complainant filed similar requests for information dated 30-10-2006 and 4-10-2006, addressed to the Special Deputy Commissioner, Bangalore, Assistant Commissioner, Bangalore South Sub-division and Tahasildar, Bangalore South Taluk, seeking same information on 27 items which includes copies of grant order made in favour of Smt. Lakshamma, Smt. Shivalingamma and Sri Krishnamurthy in survey numbers 15 and 17 of Doddakallasandra, Bangalore South Taluk, during the year 1954-55, etc. In response to this, the Special Deputy Commissioner had issued an endorsement on 13-11-2006 intimating the Complainant to approach the Assistant Commissioner, Bangalore South Sub-division and Tahasildar, Bangalore South Taluk, to obtain the information. Further, the Assistant Commissioner in his letter addressed to the Tahasildar, Bangalore South, has asked him to provide the information to the Complainant. The Tahasildar in his intimation dated 6-11-2006 addressed to the Complainant has provided a copy of the Akarbandh as sought by the Complainant in his request for information. Further, the Special Deputy Commissioner has also provided some information on item Nos. 11, 26 and 27 on 18-5-2007.

3. However, the Tahasildar in his report dated 21-5-2007 has stated that relevant land grant record pertaining to the grant of land in survey numbers 15 and 17 of Doddakallasandra Village is not available. Hence, the information sought on item Nos. 1, 2, 3 and 4 could not be furnished. Further, the Tahasildar has stated that a copy of the saguvli register is available and extracts of the saguvli chit register in respect of item Nos. 1, 2 and 3 and also information relating to item No. 4 has been furnished. Further, the Respondent Sri Narayanappa has brought the copies of the RTC in respect of land in survey numbers 15, 17, New No.17/P2 of the concerned Village for the year 1969 onwards and the same was handed over to the Complainant's representative on the spot along with a copy of the Tahasildar's report dated 4-6-2005, which was sought at item at No. 10 of the request. Further, Sri Narayanappa undertakes to provide the information on item Nos. 6, 7, 8, and also 9 to the Complainant, within seven days, free of cost.

4. As regards information sought on item Nos. 11 to 27, this relates to the initiation of action by the department against cancellation of the grant. On enquiry undertaken by the department, it is found that the grant is not genuine. Further, the Respondent Special Deputy Commissioner, Bangalore, has already provided information on item Nos. 11, 26, and 27.

5. However, Commission noted that item numbers 11 to 27 relate to action initiated by the Revenue Department against the bogus entries in the revenue records and subsequent outcome. Therefore, Commission directs the Special Deputy Commissioner to examine all the above issues and issue a suitable intimation indi-

cating the action taken against the alleged bogus entries in the revenue records and subsequent outcome of these enquiries to the Complainant, within 30 days, free of cost. The Respondent undertakes to comply with the above directions of the Commission.

6. As regards item Nos. 1, 2 and 3, the Respondent states that since the grant of land under question itself is under dispute, there may not be any records either in the Taluk office or in the Assistant Commissioner's office or in the office of the Deputy Commissioner. Therefore, the Respondent states that after due verification a suitable endorsement will be issued to the Complainant in this regard. The Respondent undertakes that he would make thorough search and if the records are traceable, relevant information will be provided to the Complainant, free of cost, through RPAD. If the records are not traceable, a suitable endorsement will be issued to the Complainant in this regard.

7. In view of the compliance and in terms of the above undertakings and directions, the complaint is disposed off as having been redressed.

8. Dictated, draft corrected, signed, and pronounced in the open Court, this 22nd day of May 2007.