

PROCEEDINGS OF THE STAFF MEETING HELD ON 3-1-2009 IN THE COURT HALL NO. 1 OF KARNATAKA INFORMATION COMMISSION:

Following were present:

Sri/Smt.:

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|--------------------------------|------------------------------------|
| 1. K. K. Misra, SCIC | 8. K.Venkataramana Hebbar, SO. |
| 2. K. A. Thippeswamy, SIC | 9. K.Srinivas, PS to Secretary |
| 3. Dr. H. N. Krishna, SIC | 10. K.Guruprasad, Senior Assistant |
| 4. B. A. Nagesh, Secretary | 11. Mala S., P.A. to SIC |
| 5. S. R. Sayinath Prakash, US. | 12. K.S. Santosh, Assistant |
| 6. R.Mohana, PS to SCIC | 13. G.C.Duggappa, Assistant |
| 7. A.Saroja, AO | 14. Sathyanarayana, Assistant |
| | 15. D.G. Vishwanath, Assistant |

A. STEPS FOR IMPROVING THE DISPOSAL:

1. Commission noted that as on 31st of December 2008, there were more than 5000 pending cases. Further, if a case is filed today it will take a minimum of 4 months' time for it to come up for first hearing. Commission expressed its concern over the increasing pendency and delay in taking up fresh cases and therefore suggested the following measures:

- I. Write to the State Government explaining the position and request appointment of two more Information Commissioners for the time being.
- II. The months of January, February and March would be observed as disposal months.
- III. For three months, the no. of cases to be posted to each of the Commissioners in the forenoon be increased to 12.
- IV. Commission noted that according to a decision of the Gujarat High Court, the Commissions cannot pass orders for providing information under section 18 of Right to Information Act, 2005, more so in cases involving third parties. In most cases therefore, an applicant should exhaust the remedy of first appeal before coming to the Commission. The Commission has also applied this judgement in several cases. Therefore, if the Presiding Officers considers it appropriate, at the initial stage of admitting a complaint, it could refuse to entertain the complaint and advise the applicant to approach the first appellate authority by way of first appeal.
- V. Commission noted that the RTI Act provides for a limitation period of 30 days is for filing first appeals. However, no specific limitation period has been mentioned in respect of complaints. Rule 13 of the Karnataka Right to Information (Amendment) Rules, 2007, states that the procedure for dealing with the appeals should mutatis-mutandis applies to the complaints. Commission is therefore of the view that the limitation period for filing first appeals should also apply to the complaints and in case a complaint has not been filed within the prescribed time period and is not accompanied by an application for condonation of delay, it can be rejected.

- VI. While examining the applications, they RIR Cell must specifically point out whether a complaint or an appeal is time barred. For this purpose, the note sheet may be suitably modified.
- VII. Commission also decided that penalty should be levied on PIOs in suitable cases.
- VIII. Commission noted that first appellate authorities are not disposing off the first appeals. Commission therefore decided that in suitable cases, it will recommend disciplinary action against the first appellate authorities to the Government.

B. LISTS OF PIOs AND FIRST APPELLATE AUTHORITIES:

2. Commission also noted that in most of the cases the details i.e. names, addresses and telephone numbers of PIOs and first appellate authorities are not known to the applicants. Commission therefore suggests that a list of such PIOs and first appellate authorities of the departments should be compiled by each public authority along with their addresses and telephone numbers. They should also be placed it on the website. A copy may also be sent to the Commission.

C. CREATION OF A FRESH POST OF UNDER SECRETARY:

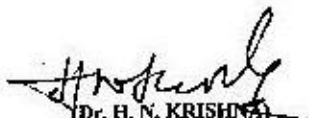
3. Commission also decided to write to Government for creation of a fresh post of Under Secretary, who should also be the PRO for the Commission and contact the various officers who are not represented at the time of hearing.

D. WEBSITE OF THE COMMISSION:

4. Two officers from Center for Good Governance would be with us on 20th and 21st of January 2009. Secretary, KIC, will have a meeting with the officers on the morning of 20th followed by another meeting with SIC (KAT) at a suitable time during that day. Any suggestions for improvement of the website should be given to the Secretary. Representatives of NIC, Smt. Sangeetha, Sri Lakshmeesha, should be requested to join the discussions.

E. ANNUAL REPORT FOR 2006-07:

5. The English version of the annual report for 2006-07 has been finally approved. Arrangement should be made to get English version printed. It shall also be translated into Kannada and Kannada version shall also be got printed at the earliest.


(Dr. H. N. KRISHNA)
STATE INFORMATION
COMMISSIONER


(K. A. THIPPESWAMY)
STATE INFORMATION
COMMISSIONER


(K. K. MISRA)
STATE CHIEF INFORMATION
COMMISSIONER