

**Record of the discussions held on 26<sup>th</sup> July, 2012 in the Chambers of SCICs chamber.**

*Commissioners and Officers present:*

1. SCIC
2. SIC-JSV
3. SIC- DTR
4. SIC- MRP
5. SIC- TRN
6. SIC-SDS
7. Secretary
8. Under Secretary
9. SO-1
10. Programmer
11. ASO

**1. Review of the action taken on the decision of the previous meeting.**

- a) The Secretary placed the Draft Annual Report - 2011-12 before the meeting highlighting the fact that 14 Govt. Depts. are yet to furnish the required Information for preparing the report.

It was decided that the defaulting departments be listed and the report finalised.

SIC-JSV, however, suggested that these Depts. be given one more chance by inviting the Principal Secretaries of these 14 Depts. to explain to the SCIC the reasons for not furnishing the required information.

The SCIC suggested that D.O. letters be addressed to all of them inviting to meet him on 1<sup>st</sup> Aug., 2012. The Secretary was also instructed to handover a copy of the Draft report to all the SICs for their remarks.

- b) While reviewing the issue of re-location of KIC Servers in the Data Centre of e-Gov., the Secretary explained that the concerned representative of NIC had sought time for a discussion. He added that NICs opinion will be placed at the next meeting after meeting with NIC Officials on 4<sup>th</sup> Aug., 2012.
- c) As regards writing to DPAR, e-Gov., for placing a full time I.T.Consultant to handle the Hardware Problems faced in KIC, it was decided to leave it to the, Secretary, KIC, to handle the issue as it is an administrative one.
- d) As regards laying the foundation Stone for KICs own building, the Secretary was asked to co-ordinate and discuss the details with the concerned in PWD for fixing the date and keep the Commission informed.

- e) The Secretary informed that a request for extending the contract appointment of the Law Officer for a period of one more year has been sent to DPAR(JS).

## 2. **Review of Pendency of cases.**

Taking note of the huge number of pending cases (13303) before it, the Commission deliberated, at length, on the various options to expeditiously dispose the cases before it. Some of the suggestions made were:

- a) Ensuring proper documentation of compliance reports furnished by the Respondents as it could increase disposals and reduce pendency.
- b) SIC-JSV suggested that despatch of show-cause notices should be issued to the respondent PIOs by RPAD only and not by ordinary post. This would enable the Commission to proceed with the imposition of penalty without having to adjourn the case for absence of the PIO.
- c) SIC-JSV suggested dedicating one Saturday; every week, to one Information Commissioner to hear at least 30 cases through VC, which could help improve disposal.
- d) SIC-JSV suggested reintroducing the system that was being followed during the days of former SCIC, indicating closure of cases that do not require hearing as it could help in reducing the pendency.
- e) SIC-JSV stated that cases, which could have been rejected under relevant provisions of section 8(1) of the RTI Act, at the initial stage, continue till they are taken up for hearing, resulting in increase in pendency.

The Commission decided that each Commissioner, starting from Monday to Saturday, could go through the Cases received on the day allotted to him and reject the ineligible cases. Each Commissioner would get a week's time to do this i.e. by the time his turn comes during the next week.

- f) In case where an applicant files bulk applications at one go, SIC-JSV suggested that the Commission could consider not to entertain such cases.

SCIC suggested to the Law Officer to discuss this matter with the Advocate General of Karnataka and inform whether it would be legally permissible, to adopt such a measure.

- g) As regards the issue raised by SIC-TRN for providing a Stenographer to Court Hall 5, the SCIC suggested to the Secretary to look into the matter and added that unless the Cadre & Recruitment Rules of the Commission are finalised, and recruitment done, there is no option but to continue with inexperienced

employees. He instructed the Secretary to get the C & R file processed expeditiously and place for approval the final draft at the earliest.

The SICs enquired about enhancing of salary to the out sourced staff and the Secretary stated that the Finance Dept., had turned down the proposal for additional allocation towards salary emoluments and submitted that he has once again addressed a letter to DPAR, Janaspandana citing the Government Order wherein the salary of the Minister's office staff is brought to level of the basic Salaries of the revised Pay Scale.

3. **Recommending *one speaker* for being a panellist for the 7<sup>th</sup> National Conference at New Delhi.**

SIC-JSV suggested that SIC-DTR can represent the State Commission on the panel. The suggestion was accepted. The Secretary may inform CIC, New Delhi, accordingly along with the list of participants, inclusive of the SCIC, all SICs and the Secretary of the Commission.

4. **Representation of Sri CVKRR Reddy regarding establishing Regional Commission at Gulbarga:**

It was noted that a proposal for establishing regional officers at Dharwar and Gulbarga is already with the Government. The Secretary KIC, should pursue the matter, from time to time, at regular intervals, till a final decision is taken by Government.

5. **Representation submitted to the Hon'ble Governor by Sri B R Ravi of Bengaluru Nagara Nagarikara Kriya Samithi.**

The points mentioned therein were noted.

6. **KIC's request to post police security for Court Halls by Karnataka State Police Department.**

Taking note of the letter from the Police Commissioner's Office expressing their inability to provide police security to the Court Halls of the Commission due to acute shortage of man-power in their department, the Commission decided to pursue the issue once again.

7. **Commission to take a call on whether:**

- a) cases stayed by the High Court of Karnataka can be treated as Cases pending and taken to Call Register.
- b) accept cases which are disposed by the Commission earlier, but there is non-compliance of orders.
- c) Propose amendments to RTI rules in:

- (i) conducting departmental enquiry/disciplinary action on respondents /PIOs that have been penalised more than 3 times.
- (ii) to recover compensation awarded to petitioners from erring PIO after initial payment by the Public Authority.

After discussing the above issues, it was concluded that:

- d) those cases stayed by the High Court of Karnataka are the ones already disposed by the Commission. Hence call register issue does not arise. However Law Officer should keep track of all such cases and advise appropriately as and when the cases are disposed.
- e) the practice of reopening those cases, wherever the Commission's orders remained un-complied as NCC cases, was noted.
- f) Any amendments to the RTI rules have to be consistent with the RTI Act, which is a Central Act.

8. **Review of progress in preparation of Draft Annual Report of 2011-12:**

The Secretary handed over a copy of the draft report to the SCIC and SICs with a request to suggest modifications, if any. Other action points are already noted in agenda subject No.1 above.

9. **Review of pendency of RTI Applications/First Appeals with the PIO/FAA of the Commission.**

It was brought to the notice of the meeting that neither the former PIO nor the FAA had maintained any separate register of RTI applications, transferred applications or first appeals filed in respect of information sought with regard to the Commission.

SCIC instructed the Secretary to write to the concerned department to depute Sri T Ashok, former Under Secretary, KIC for a couple of days to prepare the register and hand over the connected papers under due acknowledgement, since he was the PIO for a major part of the period as well as the FAA there-afterwards.

SCIC further directed the Secretary that in case Sri Ashok fails to respond, proposal should be sent to Government for initiating disciplinary action against him.

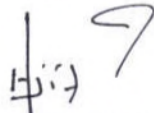
Further, Secretary was directed to ensure that the registers are updated on a daily basis, as and when applications/First appeals are received, and to monitor, on a weekly basis, the disposal of the RTI applications/First appeals with the assistance of the Law Officer. The Secretary should keep the SCIS and

Commissioners informed on the receipts and disposals in the monthly meetings.

10. **Any other subject**

Filing of appeal against the order of District Consumer Forum, Mysore:

Law Officer informed that copies of the papers, required for the purpose, are being obtained and Commission's Advocate has been instructed to file the appeal with the State Consumer Forum in time.

A handwritten signature in black ink, appearing to be 'H. S. S.', with a large, stylized flourish to the right.

**STATE CHIEF INFORMATION COMMISSION**