

**PROCEEDINGS OF THE STAFF MEETING HELD ON 31-10-2009 at 12-30 P.M. IN COURT HALL NO. 1 OF  
KARNATAKA INFORMATION COMMISSION**

Following were present: Sri/Smt.:

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|--|--------------------------------|
| 1. K. K. Misra, SCIC                     | 13. Thimmegowda, JW            |
| 2. K. A. Thippeswamy, SIC                | 14. Seetharama Raju, JW        |
| 3. Dr. H.N. Krishna, SIC                 | 15. S. R. Sayinath Prakash, JW |
| 4. J. S. Virupakshaiah, SIC              | 16. Bhavya, JW                 |
| 5. B. A. Nagesh, Secretary               | 17. Shubhamangala, JW          |
| 6. T. Ashoka, Under Secretary            | 18. Sathyanarayana, Assistant  |
| 7. Venkataramana Hebbar, Section Officer | 19. Madhu, Typist              |
| 8. Guruprasad, Senior Assistant          | 20. Krishnoji Rao, Typist      |
| 9. Smt. Sangeetha, NIC                   | 21. Anand, Typist              |
| 10. G. Papaiah Raju, JW                  | 22. Vishwanath, Typist         |
| 11. K. Geetha, JW                        | 23. Ranganath, D.E. Operator.  |
| 12. Duggappa, JW                         | 24. Madan, D.E. Operator       |

**I. Less paper office software and demonstration of less paper office application:**

1. A demo will be held on 7-11-09 at 11 a.m. in CH no.1. All employees are requested to attend.

**II. Anti-virus facility for the KIC server and other computers:**

2. NIC agreed to provide the anti-virus facility for the KIC server as well as all the other computers connected to the server. In addition Commission has several laptops. It was decided to purchase five 3-user packs of Kaspersky anti-virus software for one year duration for all these machines.

**III. On-line disposal of cases:**

3. NIC informed that some initiative has been taken by SCI (HNK) of getting the cases disposed off on line, which practice could be adopted by other JWs also. NIC agreed to provide a demonstration on 7th itself for the benefit of the JWs, as to how it can be done.

4. It was decided that in case of other Commissioners, where the cases are not disposed off in the court hall, but orders are subsequently corrected, only the corrected orders should be uploaded and penalties and other compensation cases also segregated at the time of uploading.

5. Once the orders regarding penalty and compensation are segregated (put in the specific folders), NIC would try to generate a programme, where the penalty imposed / compensated granted are automatically picked up from these folders and tables generated.

**IV. Filing of receipts and compliance reports and dispatch of orders:**

6. Despite clear instructions given in the Staff Meeting held on 25-7-09; receipts and compliance reports are not being filed properly. Sri Ravikumar, an outsourced employee has not reported for duty either yesterday or today, with the result that receipts have piled up and not filed in the connected files.

7. In addition, Sri M. V. Anil Kumar rang up to say that the orders passed by Commission are not reaching the PIOs, even one month after they were passed.

8. Commission therefore decided that the work of filing of compliance reports would be given top priority. Today afternoon, reports that have been received shall be given to all the employees in the Commission and they would be required to file them in the connected file and then go home. Further, hereafter this work will be done on day-to-day basis and the concerned officials will not leave the office unless this work is completed. Any disobedience of these orders will lead to disciplinary action against the concerned persons. (Action: Under Secretary, KIC)

**V. Non remittance of penalty amounts:**

9. Sri M. V. Anil Kumar has stated that according to information provided by the Treasury, no remittances have been made to State Government Head of Account '0070-60-118-0-03-Penalties under the Act' up to 2007-08. This needs to be further investigated and a reply sent to him. (Action: Secretary, KIC)

**VI. PF and ESI contributions of Outsourced employees**

10. The Outsource employees have requested that the PF and ESI contributions recovered from them and paid to M/s S R Securities should be got credited in the Government account. Commission has also decided to explore the possibility of giving cheques to the service provider in the name of EPFO and ESI with a list of our employees so that these could be directly credited to their accounts with the PF and ESI organizations. A discussion should also be held with the EPFO and



ESI organizations in this regard. The letter of the outsource employees was handed over to the Secretary for appropriate action and report in the next staff meeting. (Action: Secretary, KIC)

**VII. Commission's opinion sought by Government:**

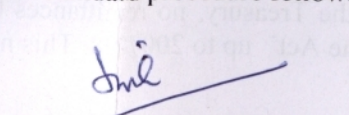
11. Government has sought Commission's opinion on the following 3 issues;
  - i) Whether PIOs can be allowed to engage Advocates at the cost of Public Authority;
  - ii) Whether the persons other than parties to the case can be allowed to participate in the proceedings before the Commission;
  - iii) Ineffectiveness of First Appellate Authorities.
12. As regards the first issue, Commission has made it clear that it has no objection to Advocates appearing before it in its proceedings either for the Petitioner or for the Respondent. Concerned parties namely Public Authorities / Government have to take their own decisions, whether the concerned PIOs can engage Advocate at their cost.
13. As regards participation in the Commission's proceedings by others present (other than the parties and their authorized representatives), the Court halls of the Commission are open for general public. Generally speaking, any persons other than parties to the case and their authorized representatives may not participate in the proceedings before the Commission. However, some times, activists / advocates present in the Court Hall invite the attention of the Presiding Officer to some legal point or decided case on the subject and the Presiding Officer at his discretion allows such intervention.
14. The view of the Commission therefore is that as a rule, persons other than parties to the case and their authorized representatives should not intervene in cases to which they are not the parties. However, if any other person does make an intervention, it is for the Presiding Officer to react to it. Further, such interventions may not form part of the proceedings of the Commission. (The word 3rd party used in reference made by Government does not mean the 3rd party referred to under section 11 of the RTI Act).
15. As regards ineffectiveness of First Appellate Authorities, it is for the Government to issue directions to the Public Authorities to ensure that they perform their functions properly. In some cases, Commission has referred the cases to the First Appellate Authorities for disposal, but generally speaking Commission does not have control over First Appellate Authorities and also does not have powers to punish them. Commission therefore does not have any further comments on the issue.
16. Commission directed the Secretary to convey these views of the Commission to the Government. (Action: Secretary, KIC)

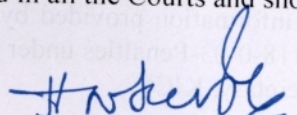
**VIII. Follow up of implementation of directions issued by the Commission in its orders:**

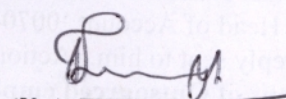
17. KRIYAKATTE has requested KIC to follow up implementation of directions issued by the Commission in its orders. Commission considered the request. Normally all Courts / quasi judicial authorities pass orders and close the cases. As a special case, Commission has agreed that it will not close a complaint / appeal till such time as information as directed by the Commission has been provided. If the Commission were to keep the cases open till its other directions are complied with, it will have a much larger pendency.
18. However, if the directions of Commission are not complied with within a reasonable time, it is open for the Petitioner to once again file a complaint before the Commission for non-compliance of its orders and such complaint will be considered by the Commission on merits. Commission also noted that if it has only made a suggestion and has not issued a direction under section 19, it may not be possible for it to get it implemented within the frame-work of the Act.


**IX. Requests regarding non-posting of cases before specific benches:**

19. Commission noted that some activists have sent requests that 'their cases' should not be posted before a particular Commissioner. Commission observed that such requests cannot be entertained. If a Petitioner does not wish any particular Commissioner to hear a specific case, he must file an application before that Commissioner himself along with reasons and it is for the same Commissioner to either recuse himself from the case and request SCIC to allot it to another Commissioner or to continue hearing it by overruling the objections by the Petitioner. Commission observed that this is a standard procedure followed in all the Courts and should be followed in this Commission also.

  
(J. S. VIRUPAKSHIAH)  
STATE INFORMATION  
COMMISSIONER

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

  
(K. A. THIPPESWAMY)  
STATE INFORMATION  
COMMISSIONER

  
(K. K. MISRA)  
STATE CHIEF INFORMATION  
COMMISSIONER

To: All concerned)