

Meeting of the Karnataka Information Commission held on 9.8.2010 at

11.00 a.m.

Members Present:

1. Sri K A Thippeswamy, SIC
2. Dr. H N Krishna, SIC
3. Sri J S Virupakshaiah, SIC
4. Sri B A Nagesh, Secy.
5. Sri B Sreerama Reddy, Law Officer
6. Sri T Ashoka, Under Secretary
7. Sri Anantha Kumar, Section Officer
8. Sri Srinivas K, ASO

1. Introduction of Paper Less Office in Karnataka Information Commission

The NIC has already customized the Paper Less Office software developed by them for the Commission after receiving the input from the Commissioners, Secretary and other staff of KIC. Adequate training has been imparted to all the concerned. NIC has suggested the Paper Less Office application software could be introduced on trial basis from 23.8.2010. Secretary is requested to interact with the NIC representatives and ensure that the transit from the existing system to the new system (PLO) is affected smoothly and effectively.

2. Setting up of Video Conference System in the Commission

The Commission had decided to write to the Principal Secretary, DPAR (e-Governance), requesting him to set up the Video Conferencing facility in the Commission on the lines of the facilities provided to other Departments. It was decided that a portion of the grants released by DoPT, Govt. of India to the Commission under I T Enablement may be made available to the e-Gov. Department towards setting up of V C facility. Further, as suggested by the Secretary of the Commission, DOPT, Government of India, may be requested to extend the time limit for the submission of the utilization certificate in respect of the financial assistance granted by them under the IT enablement.

3. Payment of Retiral benefit to Sri K K Misra, Former SCIC:

It is noted, as per the Government Notification No. DPAR.97.RTI.2010 dated: 2-7-2010, the State Government had allowed post retiral benefits to the retired former SCIC as per the provisions of the Supreme Court Judges' Rules 1959. In this regard, Sri K.K.Misra, former SCIC had made a request dated: 09-07-2010 to pay a sum of Rs. 14,000/- per month with effect from 10-7-2010 towards engaging home-orderlies and secretarial assistance for a life time, allow him free telephone calls to the extent of 1500 calls per month for life time by allowing the former SCIC

to retain the existing telephone number except the charges payable toward *broad-band* and *mobile phone* (retaining the present numbers) will be met by him.

Commission examined requests and authorized the Secretary, KIC to draw and disburse the above retiral benefits from the funds of KIC as authorized by the Government in DPAR(JS) and Accountant General in Karnataka, Bangalore after obtaining the requisite certificate from the former SCIC.

Commission also decided to pay House Rent Allowance from 10th July to 9th August (one month since retirement) as requested by him since he is occupying his own house as the claim is preferred under section 23 of the Supreme Court Judges Salaries and Conditions of Service Act, 1958.

4. Classification of Karnataka Information Commission's Records/files

The Commission discussed the downgrading the retention period of the files relating to appeals and complaints disposed off by the Commission and after taking the suggestions of the Law Officer, it was suggested that the Secretary along with the Law Officer may make enquires with the Karnataka Appellate Tribunal, State Consumers' Forum and other such similar authorities with respect to retaining the disposed court-files/other files. They are requested to file a report suggesting the retention period of these records.

5. List of complaints that have been rejected by the Commission, but counted as pending cases with the Commission:

Secretary to the Commission had brought to the notice of the Commission that there are un-cured defective cases which were listed with the assistance of NIC as the date and time of hearing were not recorded since these cases were not satisfying the pre-requisites fore-drawn for a request to be treated fit for a Complaint. Such cases were treated defective and the complainants were given a chance to cure the defects by sending notices. But no remedial steps were taken by the complainants to cure the defects.

Therefore, it was suggested that these defective cases numbering 1173 ought to be treated as disposed and subsequently be reduced from the total pendency of the cases in the Commission.

The Commission after detailed discussions, agreed to the proposal to delete 1173 defective cases from the pendency list. Commission advised the Law Officer to go through the list physically and advice the Secretary to initiate necessary action in this regard. Further, after taking such steps the facts in reduction of pendency

should be notified to the Government in DPAR and also should be brought up to the notice of the High Level Committee on implementation of RTI Act.

6. Engaging an Advocate as Counsel to represent the Commission in the High Court:

Commission noted that there are several Writ Petitions filed by the aggrieved parties against the decision of the Commission. Though, earlier the Commission had taken a stand that the Commission is not a necessary party, yet the Commission was sending the connected records without any para-wise replies as advised by the Advocate General. However, many of the decisions stayed and rendered by the High Court have far reaching effects on the functioning of the Commission.

Further, on the request of the Commission, the Advocate General had advised the Commission to file a Writ Appeal against the order of the High Court in Writ Petition No.9418/2008 between SPIO and Deputy Registrar, High Court versus N Anbarasan.

In this regard, the Commission had decided to engage a Counsel to represent the Commission in the above case.

Accordingly, Secretary of the Commission is authorized to engage Sri.G.B.Sharath Gowda, Advocate as suggested with a legal fee payable as per the approved Scheduled Rate.

7. Filing of Writ Appeals against the orders of the High Court in respect of Co-operative Societies

Commission noted that the orders of the Commission holding the Co-Operative Societies and similar institutions as “Public Authorities” under section 2(h) of the Act and also holding the notification issued by the Registrar of Co-operative Societies declaring the Co-operative Societies in the State as “Public Authorities” and also appointing the PIOs and Appellate Authorities have been quashed by the High Court in their orders in several Writ Petitions filed by the affected Co-operative Societies. However these orders have not been challenged by the Commission in the High Court by filing the Writ Appeals. Since these orders have far reaching effects on the decisions of the Commission, it is decided to file Writ Appeals in these cases since the rulings of the High Court in the Poorna Pragna House building Co-operative cases and other Co-operative Societies needs to be challenged.

The Secretary and Law Officer are authorized to take action to engage senior counsel to file Writ Appeals in all the cases as early as possible.

J S Virupakshaiah,
State Information
Commissioner

Dr. H N Krishna,
State Information
Commissioner

K A Thippeswamy,
State Information
Commissioner