



## CHAPTER - I

### Introduction:

1. The objective of the RTI Act is to empower the citizens, promote enforcement of freedom of information, accountability in the working of the Government, achieve transparency, contain corruption and make democracy work for the people in the real sense.
2. An informed citizen is better equipped to keep necessary vigil on the instruments of Governance and make the Government more accountable to the Governed. The Act is a big step towards making the citizens informed about the activities of Government.
3. Public Authorities are the repository organs of information which the citizens have a right to obtain under the RTI Act. The Act casts important obligations on Public Authorities so as to facilitate the citizens of the country to access the information held. The head of the authority must ensure that these are met in right earnest. Maintenance and computerizing of records, suo-moto disclosure, dissemination of information, publication of facts, providing reasons for decisions, designation of Public Information Officers, Assistant Public Information Officers and FAA and compliance of the Orders of Information Commission are some of the important obligations cast on all public authorities.
4. The PIO of a Public Authority plays a pivotal role in making the right to information for citizens, a reality. The Act casts specific duties on him and makes him liable for penalty. The PIO must, therefore, study the Act carefully and understand its provisions correctly.
5. The Govt. of India, through the Department of Personnel and Training, has published a users' guide for the benefit of the information seekers, Public Information Officers, Assistant Public Information Officers, First Appellate Authorities, Public Authorities and all other Stakeholders.
6. The Commission has addressed the Department of Personnel and Administrative Training (Janaspandana Kosha) to bring out a similar users' guide in Kannada. To achieve the purpose the Commission had sent a draft to the Government since propagation of RTI is the prerogative of the State Government under section 26(1) of the RTI Act.



## CHAPTER - II

### Events:

1. Sec.15(2)(b) of the Right to Information Act lays down that the State Information Commission shall consists of the State Chief Information Commissioner and such number of State Information Commissioners not exceeding 10, as may be deemed necessary.
2. The State Chief Information Commissioner Shri K.K. Misra demitted office after attaining 65 years on 7<sup>th</sup> July, 2010.
3. The Commission was sanctioned a post of a Law/Legal Officer. Sri B. Sreerama Reddy was appointed on contract basis, in August-2010 by the Commission and is been, advising the Commission on intricate legal matters. He has also been entrusted follow up of cases, filed in the High Court of Karnataka, where the Commission is made a party.
4. The State Information Commissioner Shri K.A. Thippeswamy demitted office in October-2010 on completion of 5 years.
5. The State Government, on recommendations of the Committee constituted under Sec.15 (3) of the Act, appointed a new State Chief Information Commissioner and four State Information Commissioners.
6. In Notification No.DPAR/55/RTI/2009 dated: 12<sup>th</sup> Jan. 2011 (1) Shri A.K.M. Nayak, Former Additional Chief Secretary to the Government was appointed as State Chief Information Commissioner.
7. In Notification No.DPAT/55/RTI/2009(2), dated: 12<sup>th</sup> Jan. 2011 1) Sri D.Thangaraj, Retd. Principal Secretary to the Government, 2) Sri M.R.Pujar, Retd. I.G.P., and Additional Commissioner of Police. 3) Sri T. Rama Naik, Advocate, Shikaripura and 4) Dr. Shekar D. Sajjanar, Surgeon by profession, have been appointed as State Information Commissioners.
8. The State Chief Information Commissioners and four State Information Commissioners assumed office on 19-01-2011.
9. Since accommodation to the newly appointed State Information Commissioners was not available in Multistoried Building, Government accorded permission to the Commission to take a building on rent. Accordingly the ground floor of Arvind Bhavan, Mythic Society Building, was occupied on rental basis, for housing the offices of the three State Information Commissioners and their supporting staff. The P.W.D. had assisted the Commission in furnishing this newly acquired premises. State Information Commissioners Sri M.R.Pujar, Sri T. Rama Naik, and Dr. Shekar D. Sajjanar, are conducting their court proceedings in this building. The



Court Halls here have been numbered as 5, 6 & 7. This part of the Commission at Arvinda Bhavan, Mythic Society Building, started functioning from 25-3-2011.

10. Some of the regular events pertaining to Awareness RTI, Importance of RTI, etc., attended by the Commissioners, are listed here under:

- SIC, Sri J S Virupakshaiah, participated in a Phone-In Programme conducted by the Akashvani (All India Radio) for the benefit of the Citizens regarding awareness of RTI Act, 2005 on 10<sup>th</sup> April, 2010.
- At the District Commissioners office in Chikmagalur, SIC, Dr. H N Krishna was the Chief Guest in the Work Shop on RTI conducted on 11<sup>th</sup> June, 2010.
- SIC, Dr. H N Krishna, participated in the concluding session of the Work Shop on RTI Act, 2005 conducted at the Head Quarters of the Training Command, Indian Air Force, on 16<sup>th</sup> November, 2010.
- SIC, Dr. H N Krishna participated as the chief guest in “*Knowledge of Law*” a one day programme conducted by the Chief Executive Officer, Zilla Panchayat, Dakshin Kannada, on 13<sup>th</sup> November, 2010.
- Participating as Chief Guest, SIC, Dr. H N Krishna, addressed the members of FKCCI and highlighted some of the benefits that have accrued to the seekers of information since the implementation of RTI Act in the State.
- The SCIC, Sri A K M Nayak, SICs, Sri J S Virupskshaiah and Sri D. Tangaraj, participated in the “Monthly Interactive programme”, conducted by The Hindu, on 28<sup>th</sup> February, 2011.

11. Under propogation of the RTI Act, the Administrative Training Institute, Mysore has been training Public Information Officers and First Appellate Authorities on behalf of the State Government of Karnataka. The details of various training programs conducted by the ATI, Mysore, are Are as given below:

**Details of RTI Training Programmes Conducted by ATI, Mysore from April 2010 to March 2011**

Sl. No	Topic of the	Days	No. of Participants	Target Group	No. of Programs	Date of Programs
1.	<b>Training Courses for</b> AAs+Public Information Officers(2 days) <b>ZP</b> <b>Shimoga(Off campus)</b>	2 day	62	(Public Information Officers+AAs District level	1	26.04.2010 27.04.2010
		1 days	30	Media and NGOs		27.04.2010
2.	<b>RTI - 2005</b> <b>AIT Campus, Mysore</b>	2days	37	Commercial tax officers & Transport	1	12.04.2010 13.04.2010
3.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) <b>ZP Karwar</b>	2 days	62	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	04.05.2010 05.05.2010



	<b>(Off campus)</b>	1 day	23	NGO and Media		05.05.2010
4.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Bagalkote (Off campus)</b>	2days	81	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	26.05.2010 27.05.2010
		1 day	10	NGO and Media		27.05.2010
5.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Bijapur (Off campus)</b>	2days	76	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	28.05.2010 29.05.2010
		1 day	36	NGO and Media		29.05.2010
6.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Gadag (Off campus)</b>	2days	55	(Public Information Officers and ASSISTANT PUBLIC	1	1.06.2010 2.06.2010
		1 day	44	NGO and Media		2.06.2010
7.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Off campus Haveri (Off campus)</b>	2days	101	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	3.06.2010 4.06.2010
		1 day	29	NGO and Media		4.06.2010
8.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Kolar (Off campus)</b>	2days	77	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	7.06.2010 8.06.2010
		1 day	29	NGO and Media		8.06.2010
9.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Bangalore Urban (Off campus)</b>	2days	77	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	9.06.2010 10.06.2010
		1 day	25	NGO and Media		10.06.2010
10.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Davanagere (Off campus)</b>	2days	71	(Public Information Officers and ASSISTANT PUBLIC	1	14.06.2010 15.06.2010
		1 day	35	NGO and Media		15.06.2010
11.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Chitradurga (Off campus)</b>	2days	92	(Public Information Officers and ASSISTANT PUBLIC	1	16.06.2010 17.06.2010
		1 day	61	NGO and Media		17.06.2010
12.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Ramanagar (Off campus)</b>	2days	59	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	23.06.2010 24.06.2010
		1 day	16	NGO and Media		24.06.2010
13.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Mandya (Off campus)</b>	2days	63	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS	1	24.06.2010 25.06.2010
		1 day	31	NGO and Media		25.06.2010
14.	<b>Training Courses for For Principal Secretary / Secretary to Government of Karnataka &amp; HODs &amp; other Officers Off Campus – Room No. 419, 4<sup>th</sup> Floor, Vikasa Soudha, Bangalore.</b>	1 day	<b>*56</b>	Principal Secretary / Secretary to Government of Karnataka HODs & other Officers	1	26.06.2010
15.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Hassan (Off campus)</b>	2days	87	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	1.07.2010 2.07.2010
		1 day	5	NGO and Media		2.07.2010
16.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Chickmagalur (Off campus)</b>	2days	103	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	2.07.2010 3.07.2010
		1 day	1	NGO and Media		3.07.2010
17.	<b>Training Courses for AAs+Public Information Officers (2 days) ZP Dharwad (Off campus)</b>	2days	89	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	6.07.2010 7.07.2010



		1 day	31	NGO and Media		7.07.2010
18.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Belgaum</b> (Off campus)	2days	96	(Public Information Officers and ASSISTANT PUBLIC	1	7.07.2010 8.07.2010
		1 day	23	NGO and Media		8.07.2010
19.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Tumkur</b> (Off campus)	2days	94	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	8.07.2010 9.07.2010
		1 day	05	NGO and Media		9.07.2010
20.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Raichur</b>	2days	69	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	13.07.2010 14.07.2010
		1 day	18	NGO and Media		14.07.2010
21.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Yadgir</b>	2days	102	(Public Information Officers and ASSISTANT PUBLIC	1	14.07.2010 15.07.2010
		1 day	31	NGO and Media		15.07.2010
22.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) Conference Hall, DC Office <b>Gulbarga</b>	2days	79	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	15.07.2010 16.07.2010
		1 day	26	NGO and Media		16.07.2010
23.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Bidar</b>	2days	108	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	16.07.2010 17.07.2010
		1 day	6	NGO and Media		17.07.2010
24.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Mysore</b>	2days	78	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	23.07.2010 24.07.2010
		1 day	10	NGO and Media		24.07.2010
25.	<b>Training Courses for</b> AAs+Public Information Officers (2 days)	2days	37	(Principals/DIET Principals, Exercise)	1	23.07.2010 24.07.2010
26.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Bellary</b> (Off campus)	2days	76	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	27.07.2010 28.07.2010
		1 day	27	NGO and Media		28.07.2010
27.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Koppala</b> (Off campus)	2days	112	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	28.07.2010 29.07.2010
		1 day	28	NGO and Media		7.07.2010
28.	<b>Training Courses for</b> AAs+Public Information Officers	2days	92	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)		03.08.2010 04.08.2010
	(2 days) ZP <b>Madikeri</b> (Off campus)	1 day	25	NGO and Media	1	04.08.2010
29.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ATI Campus <b>Mysore</b>	2days	18	Collegiate, Technical and Medical Education	1	27.08.2010 28.08.2010
30.	<b>Training Courses for</b> AAs+Public Information Officers (2 days) ZP <b>Chamarajanagar</b>	2days	89	(Public Information Officers and ASSISTANT PUBLIC INFORMATION OFFICERS District level and Taluk level officers)	1	27.08.2010 28.08.2010
		1 day	30	Media and NGOs		28.08.2010
31.	<b>RTI programme in 22 DTIs</b>	2days	2700	(District level and Taluk level officers, Officials + NGOs)	90	July and August 2010



		1 day	990	(District level and Taluk level officers, Officials + NGOs)	33	
32.	<b><u>RTI programme at ATI</u></b>	2days	32	Collegiate Education, National Highways Project Implementation Unit, Karnataka State Highways Improvement Project,	1	1.09.2010 2.09.2010
33.	<b><u>RTI programme at ATI</u></b>	2days	27	BESCOM, CHESCOM, KPTCL, PCKL, MESCOM, KSHIP,	1	4.10.2010 5.10.2010
34.	<b><u>RTI programme at ATI</u></b>	1 day	38	<b>KSFC, PWD's</b> Project Implementation Unit, Karnataka State Highways Improvement Project, Zilla Panchayath of Haveri, Belgaum, Shimoga	1	15.11.2010 16.11.2010
35.	<b><u>RTI programme at ATI</u></b>	2days	41	Public Works Ports & Inland Water Transport Dept. Excise Department, Karnataka Road Development Corporation Project Implementation Unit, Karnataka State Highways Improvement Project National High Way Division	1	29.11.2010 30.11.2010
36.	<b><u>RTI programme in 22 DTIs</u></b>	2days	2700	(District level and Taluk level officers, Officials + NGOs)	90	Jan – March 2011
		1 day	990	(District level and Taluk level officers, Officials + NGOs)	33	
37.	<b><u>RTI programme at Bangalore for KPTCL Officers</u></b>	2days	141	<b>KPTCL Officers</b>	1	22.03.2011 23.03.2011
<b>Total No. of Participants</b>			<b>10,536</b>	<b>Total No. of Programmes</b>	<b>281 Programmes</b>	



### CHAPTER-III COMMISSIONS' PERFORMANCE

#### Cost Compensation & Penalties levied by the Commission

Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
1	10-Apr	KIC/6593/PTN/2009		500
2		KIC/8056/8057/8058/PTN/2009	25,000	
3		KIC/1993/PTN/2009		1000
4		KIC/8122/PTN/2009		200
5		KIC/2146/PTN/2009	25,000	
6		KIC/10275/10280/PTN/2009		1000
7		KIC/73/PTN/2009		500
8		KIC/8522/PTN/2009	10,000	
9		KIC/6139/COM/2008		500
10	10-May	KIC/2188/PTN/2009	25,000	
11		KIC/9366/PTN/2009		1000
12		KIC/4379/PTN/2009	10,000	
13		KIC/9592/PTN/2009		200
14		KIC/9590/PTN/2009		200
15		KIC/4401/PTN/2009		100
16		KIC/4649/PTN/2009	25,000	
17		KIC/12605/PTN/2009	10,000	
18		KIC/10409/PTN/2009	10,000	
19		KIC/9631,9632,9633/PTN/2009	10,000	
20		KIC/5640/PTN/2009	5,000	
21		KIC/5642/PTN/2009	5,000	
22		KIC/5643/PTN/2009	5,000	
23		KIC/743/PTN/2010	5,000	
24		KIC/594/PTN/2010	10,000	
25		KIC/1167/PTN/2010	10,000	
26		KIC 1217 PTN 2010	10,000	
27		KIC 1433 PTN 2010	10,000	
28		KIC 12134 PTN 2010	5,000	
29		KIC 9737 PTN 2010	5,000	
30		KIC 5694 PTN2010	5,000	
31		KIC 9404 PTN 2009	8,000	
32		KIC 9414 PTN 2009	5,000	
33		KIC 9477 PTN 2009	5,000	
34		KIC 12806 PTN 2009	2,000	
35		KIC 9798 PTN 2009	10,000	
36		KIC 5945 PTN 2009	4,000	
37		KIC 7134 PTN 2009 CLUBBED CASES	4,000	
38		KIC 4237 PTN 2009	10,000	
39		KIC 3684 PTN 2009	2,000	
40		KIC 9854 PTN 2009	2,000	





Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
41		KIC 1000 PTN 2010	4,000	
42		KIC 1036 PTN 2010	2,000	
43		KIC 1086 PTN 2009	10,000	
44		KIC 6802 PTN2010	5,000	
45		KIC 6988 PTN 2009	25,000	
46		KIC 1952 PTN 2010	5,000	
47	10-Jun	KIC 9995 PTN 2009	10,000	
48		KIC 10001 PTN 2009	10,000	
49		KIC/5454/PTN/2009		1000
50		KIC/5564/PTN/2009	5,000	
51		KIC/9242/PTN/2009		500
52		KIC/5785/PTN/2009		150
53		KIC/898/PTN/2010		1000
54		KIC/5478/PTN/2009		1000
55		KIC/5479/PTN/2009	10,000	
56		KIC/7344/COM/2008	5,000	
57		KIC/7345/COM/2008	5,000	
58		KIC/10559/PTN/2009	5,000	
59		KIC 4428 COM 2008	6,000	
60		KIC 10965 PTN 2009	5,000	
61		KIC 6755 PTN 2009	5,000	
62		KIC10423PTN2009	10,000	
63		KIC3624COM2008 3625COM2008 & KIC 3626 COM 2008	4,000	
64		KIC/10001/PTN/2009	10,000	
65		KIC/9995/PTN/2009	10,000	
66		KIC/1952/PTN/2010	5,000	
67		KIC/6988/PTN/2009	25,000	
68		KIC/6802/PTN/2010	5,000	
69		KIC/5694/PTN/2010	5,000	
70		KIC/1217/PTN/2010	10,000	
71		KIC/9737/PTN/2010	5,000	
72	10-Jul	KIC/12134/PTN/2010	5,000	
73		KIC/1433/PTN/2010	10,000	
74		KIC/10755,10758,10764/PTN/2010		2,000
75		KIC 2516 PTN 2009		1,000
76		KIC 11583 PTN 2009	10,000	
77		KIC 1580 PTN 2009	4,000	
78		KIC 1042 PTN 2009	9,000	
79		KIC 8181PTN 2009	5000	
80		KIC 8180 PTN 2009	10,000	
81		KIC 3212 PTN 2009	4,000	
82		KIC 11846 PTN 2009	4,000	
83		KIC 12040 PTN 2009	5,000	





Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
84		KIC 7199 PTN 2009	10,000	
85		KIC 5714 PTN 2009	8,000	
86		KIC 10588 PTN 2009	10,000	
87		KIC 12180/12181 PTN 2009	5,000	
88		KIC 8469 PTN 2009		1,000
89		KIC 2848 PTN 2010	5,000	
90		KIC 11967 PTN 2009		2,500
91		KIC 10720 PTN 2009	15,000	
92		KIC 10721 PTN 2009	15,000	
93		KIC 3071 PTN 2009	3,000	
94		KIC 2193 PTN 2010	5,000	
95		KIC 2701 PTN 2010	5,000	
96		KIC 2780 PTN 2010	10,000	
97		KIC 3077 PTN 2010	10,000	
98		KIC 7300 PTN 2009	10,000	
99		KIC 9351 PTN 2009	5,000	
100		KIC 6883 PTN 2009	10,000	
101		KIC 9146 PTN 2009	10,000	
102		KIC 6 NCC(2574COM2007	10,000	5,000
103		KIC 8462 PTN 2009	1,000	
104		KIC 6403 PTN 2008	1,000	
105		KIC 10756 PTN 2009	5,00	
106		KIC 11371 PTN 2009	2,500	
107		KIC 1766 PTN 2009	25,000	2,000
108	<b>Aug 10</b>	KIC6NCC2574COM2007	15,000	
109		KIC 3592 PTN 2010		650
110		KIC 12267 PTN 2009		1,250
111		KIC 12363 PTN 2009		500
112		KIC 12357 PTN 2009		1,000
113		KIC 3222 c/w 3223 PTN 2010	10,000	
114		KIC 197 PTN 2010	5,000	
115		KIC 3438 PTN 2010	1,000	
116		KIC 3375 PTN 2010	2,000	
117		KIC 3376 PTN 2010	2,500	
118		KIC 3518 PTN 2010	4,000	
119		KIC 2188 PTN 2010	5,000	
120		KIC 3847 PTN 2010	5,000	
121		KIC 3908 PTN 2010	5,000	
122		KIC 3999 PTN 2010	2,000	
123		KIC 4006 PTN 2010	5,000	
124		KIC 9543 PTN 2009	5, 000	
125		KIC 250 PTN 2010	5, 000	
126		KIC 12331 PTN 2009	5,000	
127		KIC 8842 PTN 2009	4,000	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
128		KIC 8843 PTN 2009	10,000	
129		KIC 12325 PTN 2009	2,000	
130		KIC 6888 PTN 2009	3,000	
131		KIC 9221 cw 9222 PTN 2009	2,000	
132		KIC 9224 PTN 2009	2,500	
133		KIC 12634 PTN 2009	4,000	
134		KIC 12636 PTN 2009	10,000	
135		KIC 12681 PTN 2009	5,000	
136		KIC 12679 PTN 2009	4,000	
137		KIC 2506 C/w 2142 PTN 2010	10,000	
138		KIC 9405 PTN 2009	5,000	
139		KIC 12641 PTN 2009	5,000	
140		KIC 6195 COM 2008	5,000	
141		KIC 3592 PTN 2010		650
142		KIC/2497/PTN/2009	10,000	
143		KIC/125/PTN/2009		500
144		KIC/126/PTN/2009		500
145		KIC/127/PTN/2009		500
146		KIC/130/PTN/2009		500
147		KIC/9084/PTN/2009		500
148		KIC/9089/PTN/2009		500
149		KIC/3712/PTN/2009		1000
150		KIC/9207/PTN/2009		2,000
151		KIC/6195/PTN/2009	5,000	
152		KIC/12804/PTN/2009	2,000	
153		KIC/12624/PTN/2009	2,000	
154		KIC/200/PTN/2009	4,000	
155		KIC/12714/PTN/2009	4,000	
156		KIC/3824/PTN/2010	3,000	
157		KIC/3887/PTN2010	2,000	
158		KIC/3891/PTN2010	2,500	
159		KIC/3892/PTN2010	2,000	
160		KIC/3901/PTN2010	2,000	
161		KIC/3902/PTN2010	2,000	
162		KIC/3910/PTN2010	5,000	
163		KIC/3911/PTN2010	5,000	
164		KIC/3913/PTN2010	5,000	
165		KIC/3914/3919/PTN2010	4,000	
166		KIC/3921/PTN2010	5,000	
167		KIC/3926/PTN2010	2,000	
168		KIC/3926/PTN2010	2,000	
169		KIC/3926/PTN2010	2,000	
170		KIC/3927/PTN2010	5,000	
171		KIC/10958/PTN2010	2,000	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
172		KIC/10959/PTN2010	2,000	
173		KIC/2188/PTN2010	5,000	
174		KIC/3847/PTN2010	5,000	
175		KIC/250/PTN2010	5,000	
176		KIC3999PTN2010	2,000	
177		KIC8250PTN2009	4,000	
178		KIC3821/3822/3854/3826PTN2009	2,000	
179		KIC8368/8369 PTN2009	4,000	
180		KIC12144/12154PTN2009	5,000	
181		KIC8982PTN2009	5,000	
182		KIC 8938 PTN2009	4,000	
183		KIC 5543 PTN 2009	5,000	
184		KIC11981PTN2009	4,000	
185		KIC 12808 PTN2009	4,000	
186		KIC12515 PTN 2009	2,500	
187		KIC/364/PTN/2009		200
152	<b>10-Sep</b>	KIC/629/PTN/2009	25,000	
153		KIC/8239/PTN/2009		250
154		KIC/7884/PTN/2009		500
155		KIC/11856/PTN/2009	10,000	1,000
156		KIC/12168/PTN/2009	5,000	750
157		KIC/805/PTN/2010		250
158		KIC/836/PTN/2009		500
159		KIC/9457/PTN/2009		750
160		KIC/891/PTN/2010		200
161		KIC/9590/PTN/2009		1,500
162		KIC/6369/PTN/2009		1,000
163		KIC/7064/PTN/2009		2,000
164		KIC/12303/PTN/2009		1,000
165		KIC/12260/PTN/2009		500
166		KIC/73/PTN/2009		1,000
167		KIC/2313/PTN/2009		1,000
168		KIC/745/PTN/2010	25,000	
169		KIC/8239/PTN/2009	2,000	
170		KIC 817 PTN 2010	2,000	
171		KIC 820 PTN 2010	10,000	
172		KIC 823 PTN 2010	5,000	
173		KIC 853 PTN 2010	2,000	
174		KIC 1076 PTN 2010	2,500	
175		KIC 1203 PTN 2010	5,000	
176		KIC 1209 PTN 2010	3,000	
177		KIC 1374 PTN 2010	3,000	
178		KIC 1604 PTN 2010	8,000	
179		KIC 1605 PTN 2010	2,500	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
180		KIC 1613 PTN 2010	2,000	
181		KIC 62 PTN 2009	5,000	
182		KIC 1838 PTN 2010	2,000	
183		KIC 2050 PTN 2010	2,000	
184		KIC 2052 PTN 2010	2,500	
185		KIC 2182 PTN 2010	3,000	
186		KIC 2284 PTN 2010	2,000	
187		KIC 2289 PTN 2010	4,000	
188		KIC 2378 PTN 2010	4,000	
189		KIC 2380/2381PTN 2010	2,000	
190		KIC 2384,2385 PTN 2010	4,000	
191		KIC 2708 PTN 2010	2,500	
192		KIC 3056 PTN 2010	10,000	
193		KIC 4148 PTN 2010	2,500	
194		KIC 4160 PTN 2010	4,000	
195		KIC 4161PTN 2010	2,000	
196		KIC 7139/7140 PTN 2009	2,500	
197		KIC 7463 PTN 2009	5,000	
198		KIC 8469 PTN 2009	2,500	
199		KIC 10052 PTN 2010	2,500	
200		KIC 10388 PTN 2009	2,000	
201		KIC 10474 PTN 2009	2,000	
202		KIC 10834 PTN 2009	4,000	
203		KIC 7445 PTN 2009	1,000	
204		KIC 9397 PTN 2010	2,000	
205		KIC/19/NCC/2010	5,000	
206		KIC/226/PTN/2009	5,000	
207		KIC/9901/PTN/2009		
208		KIC/310/PTN/2010	2,000	
209		KIC/11211/PTN/2009	4,000	4000
210		KIC/7752/PTN/2009	5,000	5000
211		KIC/9975/PTN/2009	2,000	
212		KIC/1492, 1494/PTN/2010	3,000	
213		KIC/2728,2731,2734,2735/PTN/2010	15,000	
214		KIC/552/PTN/2010	1,000	
215		KIC/556/PTN/2010	3,000	
216		KIC/582/PTN/2010	4,000	
217		KIC657/PTN/2010	3,000	
218		KIC/755/PTN/2010	2,500	
219	<b>10-Oct</b>	KIC/16/NCC/2010	2,000	
220		KIC/9126/PTN/2009	5,000	
221		KIC/1146/PTN/2010	5,000	
222		KIC/1422/PTN/2010	5,000	
223		KIC/2290/PTN/2010	5,000	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
224		KIC/2304/PTN/2010	2,500	
225		KIC/2376/PTN/2010	3,000	
226		KIC/2425/PTN/2009	3,000	
227		KIC/3050/PTN/2009	25,000	
228		KIC/3526/PTN/2008	2,500	
229		KIC/3768/PTN/2010	1,000	
230		KIC/3769/PTN/2010	5,000	
231		KIC/4098/PTN/2010	2,000	
232		KIC/4794/PTN/2010	2,000	
233		KIC/4780/PTN/2010	2,000	
234		KIC/4806/PTN/2010	6,000	
235		KIC/4676/PTN/2010	2,500	
236		KIC/4677/PTN/2010	2,000	
237		KIC/4678/PTN/2010	3,000	
238		KIC/4681/PTN/2010	2,000	
239		KIC/4682/PTN/2010	3,000	
240		KIC/4684/PTN/2010	2,000	
241		KIC/4685/PTN/2010	3,000	
242		KIC/4687/PTN/2010	25,000	
243		KIC/4690/PTN/2010	2,500	
244		KIC/4690/PTN/2010	3,000	
245		KIC/4771/PTN/2010	2,000	
246		KIC/4979/PTN/2010	2,000	
247		KIC/4801/PTN/2010	2,000	
248		KIC/4847/PTN/2010	1,000	
249		KIC/4848/PTN/2010	3,000	
250		KIC/4968/PTN/2010	3,000	
251		KIC/5714/PTN/2010	250	
252		KIC/6121/PTN/2010	2,000	
253		KIC/11604/PTN/2009	4,000	
254		KIC/12714/PTN/2009	2,000	
255		KIC/12407/PTN/2009	4,000	
256		KIC/10121/PTN/2009	1,000	
257		KIC/1349/PTN/2010	2,000	
258		KIC/1343/PTN/2010	2,000	
259		KIC/1344/PTN/2010	4,000	
260		KIC/1346/PTN/2010	2,500	
261		KIC/1127/PTN/2010	3,000	
262		KIC/1131/PTN/2010	2,500	
263		KIC/2240/PTN/2010	5,000	
264		KIC/3878/PTN/2010	2,000	
265		KIC/2520/PTN/2010	2,000	
266		KIC/2521/PTN/2010	2,000	
267		KIC/2568/PTN/2010	5,000	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
268		KIC/2573/PTN/2010	2,500	
269		KIC/2574/PTN/2010	2,000	
270		KIC/3719/PTN/2010	2,000	
271		KIC/3806/PTN/2010	2,000	
272		KIC/3854/PTN/2010	3,000	
273		KIC/25/NNC/2010		750
274		KIC/1314/PTN/2010		1,000
275		KIC/1717/PTN/2009		150
276		KIC/432/PTN/2010		1,000
277		KIC/958/PTN/2010	20,000	
278		KIC/5991/PTN/2009	25,000	
279		KIC/1618/PTN/2010		500
280		KIC/835/PTN/2009	10,000	
281		KIC/1778/PTN/2010	25,000	1,000
282		KIC/29/PTN/2010		1,000
283		KIC/10858/PTN/2009	5,000	
284		KIC/10862/PTN/2009		250
285		KIC/4992/PTN/2010	25,000	
286		KIC/10048/PTN/2009	5,000	
287		KIC/4516/PTN/2009	5,000	
288		KIC/12743/PTN/2009	5,000	
289		KIC/9999/PTN/2009	2,000	
290		KIC/4965/PTN/2010	10,000	
291		KIC/3822/PTN/2010	5,000	
292		KIC/5008/PTN/2010	5,000	
293		KIC/4616/PTN/2010	5,000	
294		KIC/4736/PTN/2010	5,000	
295		KIC/1217/PTN/2010	5,000	
296		KIC/4695/PTN/2010	5,000	
297	<b>10-Nov</b>	KIC/4705/PTN/2010	5,000	
298		KIC/4706/PTN/2010		500
299		KIC/8712/PTN/2009		500
300		KIC/11711/PTN/2009	5,000	
301		KIC/180/PTN/2010	5,000	
302		KIC/3178/PTN/2009	10,000	500
303		KIC/8636/PTN/2009		1,500
304		KIC/3583/PTN/2010	25,000	
305		KIC/9089/PTN/2009		2,000
306		KIC/9207/PTN/2009	10,000	
307		KIC/5015/PTN/2010	10,000	
308		KIC/2336/PTN/2010	5,000	
309		KIC/2803/PTN/2010	10,000	
310		KIC/2581/PTN/2010	20,000	
311		KIC/9628/PTN/2009	10,000	



Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
312		KIC/10002/PTN/2009	5,000	
313		KIC/6255/PTN/2009	10,000	
314		KIC/1861/PTN/2010	25,000	
315		KIC/495/PTN/2010	5,000	
316		KIC/3808/PTN/2010	5,000	
317		KIC/2455/PTN/2010	5,000	
318	<b>10-Dec</b>	KIC/5451/PTN/2010	5,000	
319		KIC/5443/PTN/2010		500
320		KIC/2496/PTN/2010		700
321		KIC/5665/PTN/2010		500
322		KIC/7883/PTN/2009		1,000
323		KIC/1991/PTN/2009		1,500
324		KIC/12078/PTN/2009	10,000	500
325		KIC/12092/PTN/2009	1,000	200
326		KIC/2876/PTN/2010	10,000	
327		KIC/2874/PTN/2010		750
328		KIC/9367/PTN/2009	25,000	750
329		KIC/891/PTN/2010	25,000	
330		KIC/9457/PTN/2009	10,000	
331		KIC/10225/PTN/2009	10,000	
332		KIC/2649/PTN/2010	5,000	
333		KIC/5553/PTN/2010	10,000	
334		KIC/5557/PTN/2010	10,000	
335		KIC/5650/PTN/2010	5,000	
336		KIC/8536/PTN/2009	10,000	
337		KIC/5786/PTN/2010	5,000	
338		KIC/4781/PTN/2010	25,000	
339		KIC/5888/PTN/2010	10,000	
340		KIC/5893/PTN/2010	25,000	
341		KIC/5913, 6043/PTN/2010	10,000	
342		KIC/3078/PTN/2010	10,000	
343		KIC/3029, 3930, 3931/PTN/2010	10,000	
344		KIC/4004/PTN/2010	10,000	
345		KIC/2950/PTN/2010	10,000	
346		KIC/2971/PTN/2010	10,000	
347		KIC/825/PTN/2010	10,000	
348		KIC/3972/PTN/2010	5,000	
349	<b>11-Jan</b>	KIC/4781/PTN/2010	10,000	
350		KIC/5872/PTN/2010	5,000	
351		KIC/3259/PTN/2010		2,000
352		KIC/12303/PTN/2009		300
353		KIC/3018/COM/2008	10,000	
354		KIC/12319/PTN/2009	10,000	
355		KIC/1314/PTN/2010	10,000	





Sl. No.	Month	Case Numbers	Amount in Rs.	
			Penalty	Comp
356		KIC/1174/PTN/2010	4,000	
357		KIC/1346/PTN/2010	5,000	
358		KIC/9869/PTN/2009		500
359		KIC/186,188,190&191/PTN/2009	25,000	
360		KIC/225/PTN/2010	5,000	
361		KIC/5364/PTN/2010	5,000	
362		KIC/6484/PTN/2010	5,000	
363		KIC/6388/PTN/2010	10,000	
364		KIC/6190/PTN/2010	1,000	
365		KIC/6152/PTN/2010	5,000	
366		KIC/3502/PTN/2010	10,000	
367		KIC/77/PTN/2010	10,000	
368	<b>11-Feb</b>	KIC/4187/PTN/2010	25,000	
369		KIC/582/PTN/2010	5,000	
370		KIC/4821/PTN/2010	5,000	
371		KIC/4825/PTN/2010	5,000	
372		KIC/4827/PTN/2010	10,000	
373		KIC/4830/PTN/2010	10,000	
374		KIC/4936/PTN/2010	25,000	
375		KIC/12578/PTN/2009	25,000	100
376		KIC/5242/PTN/2010		200
377		KIC/5243/PTN/2010	5,000	
378	<b>11-Mar</b>	KIC/5309/5310/PTN/2010	25,000	
379		KIC/5311/PTN/2010	5,000	
380		KIC/5276/PTN/2010	5,000	
381		KIC/5284/5396/PTN/2010		5,000
382		KIC/5382/PTN/2010	25,000	
383		KIC/5353/PTN/2010	25,000	
384		KIC/9207/PTN/2009	25,000	
385		KIC/2474/PTN/2010	10,000	
386		KIC/5546/PTN/2010	10,000	
387		KIC/7959/PTN/2009	25,000	
388		KIC/2939/PTN/2010	25,000	
389		KIC/4544/PTN/2009	25,000	
390		KIC/5249/PTN/2010	25,000	
391		KIC/4499/PTN/2010	25,000	
392		KIC/7/NCC/2011	25,000	



### OUT STATION CASES MARCH 2010 TO APRIL 2011

MONTH	PLACE	ADJOURNED	DISPOSED	TOTAL CASES
28-05-2010	BELGAUM	2	20	22
29-05-2010	BELGAUM	6	32	38
06-05-2010	MADIKERI	7	31	38
25-08-2010	RAICHUR	12	51	63
21-10-2010	GULBARGA	14	61	75
23-10-2010	GULBARGA	12	30	42
22-01-2011	MYSORE	13	43	56
04-07-2011	BELGAUM	4	30	34
04-08-2011	BELGAUM	10	42	52



**LIST OF COMMISSIONS' ORDERS CHALLENGED BEFORE THE HIGH COURT  
OF KARNATAKA DURING 2010-11.**

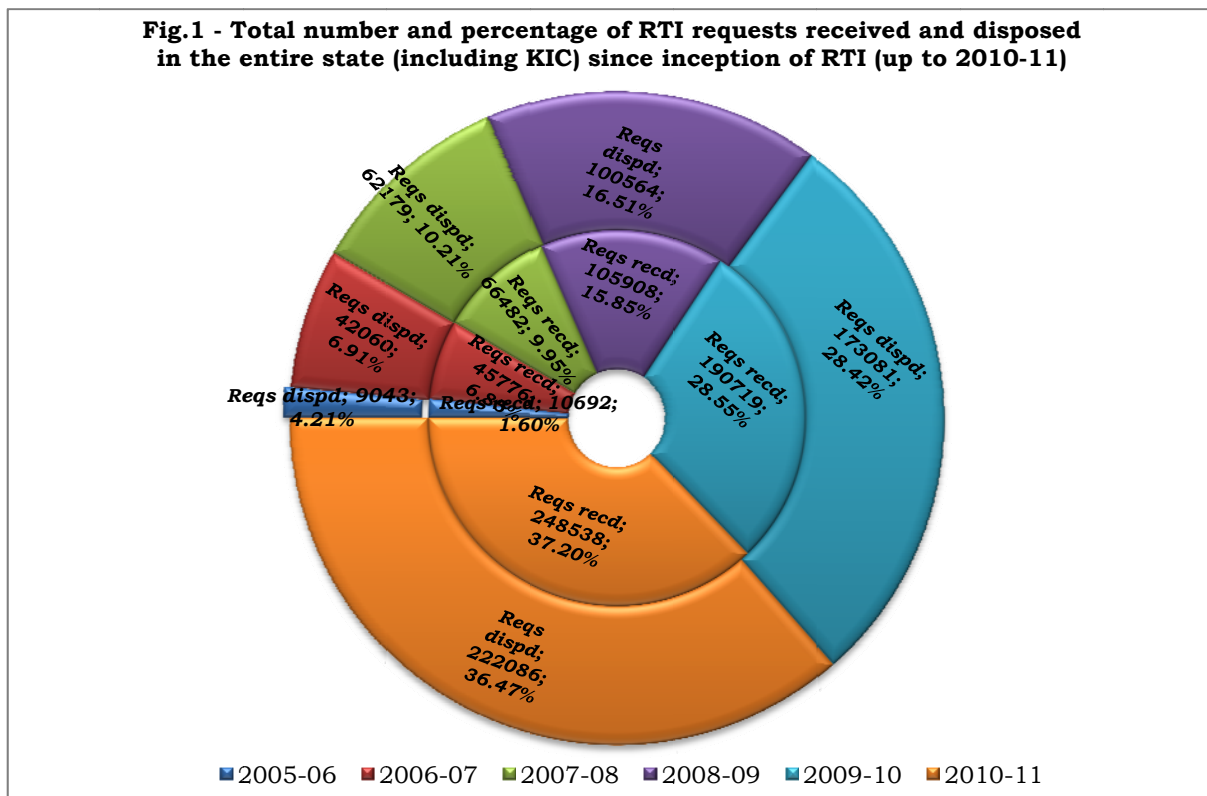
Sl No	WP No.	KIC Petition Number and Date	Petitioners	Respondent
1	15397-98/10	2322/09 Dt. 04-05-10	Commissioner BBMP	KIC
2	16682/10	12605/09 Dt. 26-05-10	BK Srinivas Murthy	KIC
3	63807/10	8522/09 Dt.31-05-10	Praveen	KIC
4	19351/10	No. N.A. Dt.22-06-10	Shivalinga Kondaguli	KIC
5	19372/10	10725/09 Dt. 22-06-10	D.Rame Gowda	KIC
6	20813/10	11612/09 Dt. 06-07-10	C.Muralidhar	KIC
7	4503/10	No. N.A. Dt. 13-07-10	CAN Ashwathram	KIC
8	22081/10	2139/10 Dt. 20-07-10	H.Jayamma	KIC
9	66142/10	10855/09 Dt. 20-08-10	Dayanand	KIC
10	26361/10 C/W 39952/10	3155/09 Dt. 23-08-10	BBMP	Ravindranatha Guru
11	WA.3255/10	7522,7223/08 Dt. 26-08-10	KIC	SPIO, HCK
12	31643/10	12331/09 Dt. 30-09-10	Venkatesh	KIC
13	34095/10	4098/10 Dt. 26-11-10	Mangalore SEZ	KIC
14	37312/10	698/10 Dt. 26-11-10	M'lore SEZ	KIC
15	40941/10	10295/09 Dt. 15-12-10	MM Ltd	PR Chenna Reddy.
16	69362/10	29/09 Dt. 18-12-10	Rathnakara Aithal	Krishna B.Patil
17	2651/11	2886/10 Dt. 17-01-11	B.V.Chakrapani	KIC
18	4460/11	10001/09 Dt. 21-01-11	Chandrashekar	KIC
19	6239/11 6293-6297/11	2824,3139,3513,5358,3778, 3131/10 Dt. 03-02-11	The Selection Committee/Apps.	KIC
20	7169-70/11	6117/10 Dt. 11-02-11	KIC	KIC
21	6633/11	2783/10 Dt. 14-02-11	Dayananda Bhandari	KIC
22	66996/10	8716/09 Dt. 15-09-10	The Bassel Mission Hr. Edn. Centre	State of Kar.
23	66997/10	8713/09 Dt. 15-09-10	The Kittel Science College	State of Kar.
24	62854/10	8715/09 Dt. 16-04-10	The Kittel Science College	State of Kar.
25	22800-801/10	700-701/10 Dt. 26-07-10	Mysore & CN Districts School Teachers HBCS	KIC
26	7177-78/11	11710/09 Dt. 11-02-11	V.M.Veeranjaneya	KIC
27	32052/10	399/10 Dt. 04-10-10	The Commissiner	KIC
28	WA.10001/11	7464/09 Dt. 01-01-11	Basavanappa	KIC
29	67021/10	3150/10 Dt. 17-09-10	The Kittel Science College	KIC
30	25840/10	8440/09 Dt. 18-08-10	The COP	KIC
31	21889-91/10	8056/09 Dt. 16-07-10	Thippesha	KIC
32	31643/10	12331/09 Dt. 30-09-10	Venkatesh	KIC
33	23213/10	2072/10 Dt. 30-07-10	GMIT,DGERE	KIC
34	66808/10	4120/10 Dt. 08-09-10	Hiranyakeshi Coop.Society	KIC
35	20673/10	11595/09 Dt. 06-07-10	SS Mhabaleshwara Trust	KIC
36	21889-91/10	8056-58/09 Dt. 16-07-10	Thippesha	KIC
37	65430/10	6884-85/10 Dt. 28-07-10	Dattathreya Anantha Hegde	KIC
38	9132-33/11	6520/10 Dt. 03-03-11	Allandur coop.Society	RCS
39	6684/11	6803/10 Dt. 08-02-11	Janappa	KIC
40	15175/10	1203/09 Dt. 29-04-10	C.Manjunath	KIC
41	WA.3503- 05/10	2287/09 Dt. 13-09-10	KPSC	BS Suresh & KIC
42	15226/10	11769/09 Dt. 29.04.10	South canara DCC	KIC
43	11446/10	? Dt. 05.04.10	Chikkanna	JRCS
44	2612/11	? Dt. 04.01.11	Manjunath	KIC
45	5554/11	? Dt. 29.01.11	H.Manjunath	KIC



## CHAPTER - V

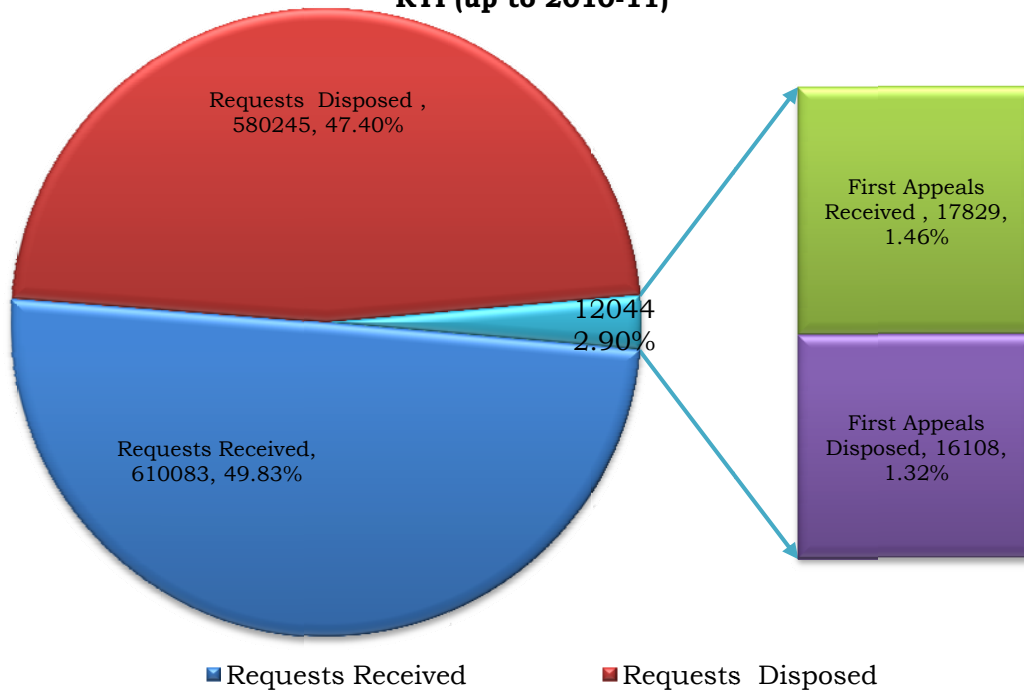
### STATISTICAL ANALYSIS

- 5.1. As many as of 668,115 requests were received and 609,013 by all the PIAs during 6 years in the entire State of Karnataka since inception of RTI Act (Fig.1). A clear indicator in its self, of the fact, that RTI is more than an essential tool that is benefitting the citizens. This total includes the number of requests received by all the Public Information Officers of Government Departments, KIC and other Non-Government Organizations.
- 5.2. During all these years, as many as of 623,871 requests (Fig. 1.1) were received by the Government Departments, of which, a healthy 92.32% (582,098 requests) were disposed by these Departments themselves, during these six years.

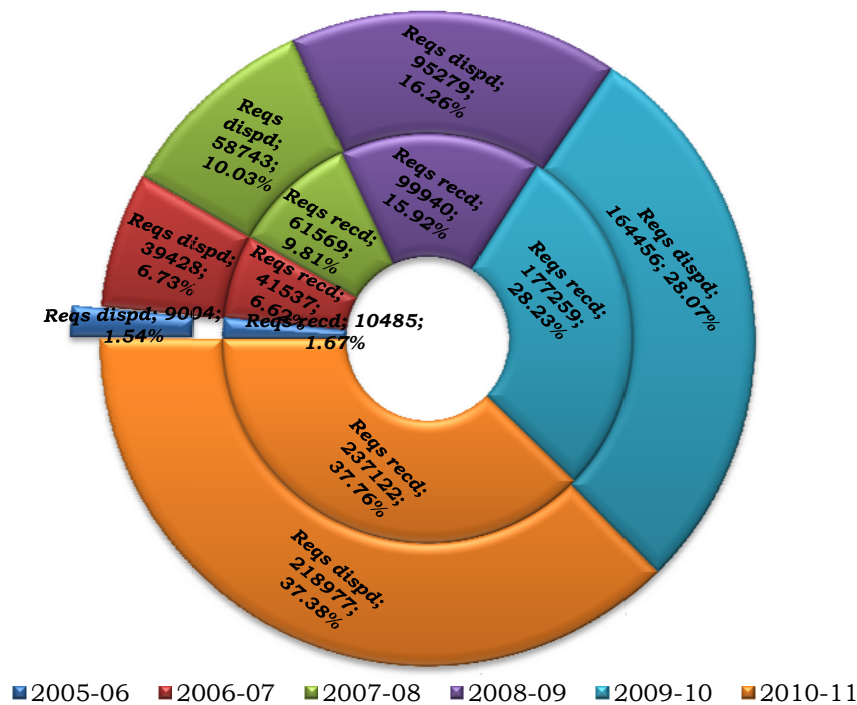


- 5.3. Fig. 1 depicts the actual number of requests received proportionate to the disposals made in the entire State since inception of the Act. The percentages are worked out taking into account all the RTI receipts and disposals made the entire year as a whole.
- 5.4. Fig. 1.1 here under is self explanatory. It is a pointer to a very small percentage of First Appeals filed before the First Appellate Authorities in the Public Authorities.

**Fig.1.1 - Total number of requests and first appeals received and disposed by all the Government Departments since inception of RTI (up to 2010-11)**

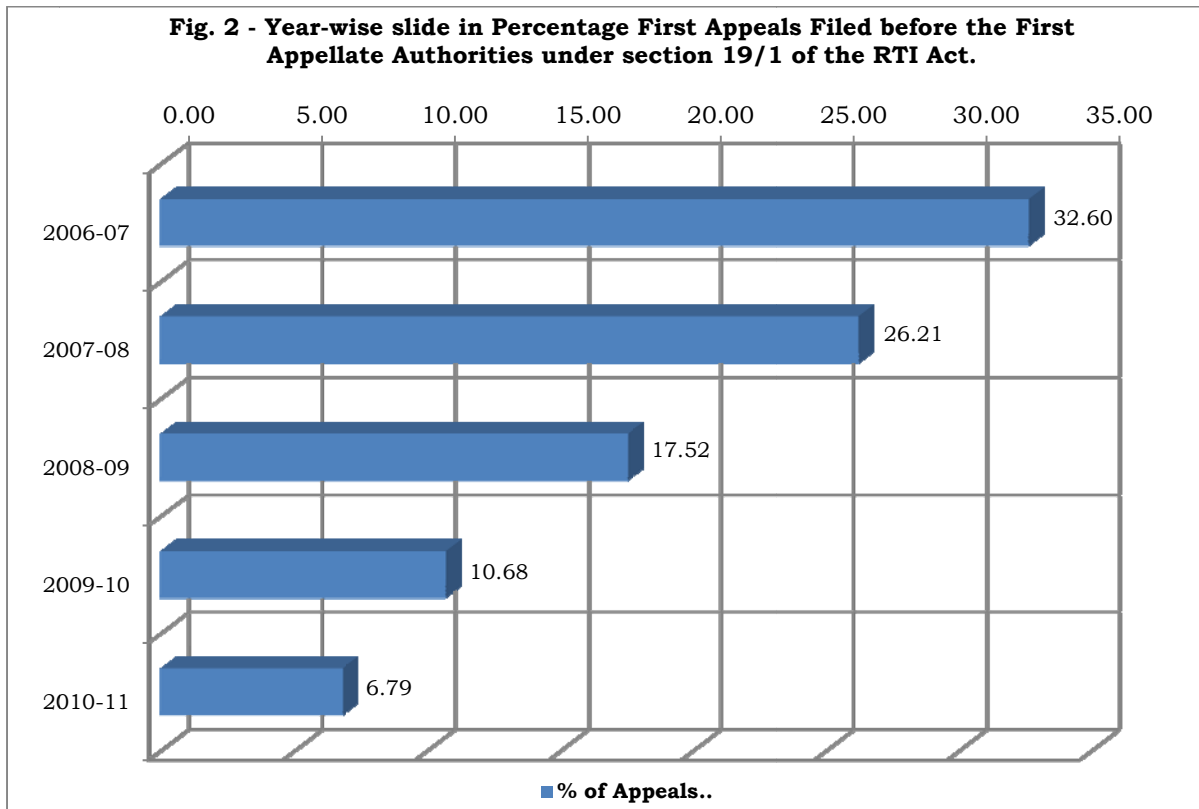


**Fig. 1.2 - Total number and percentage of RTI requests received and disposed by the Departments since inception of RTI (up to 2010-11)**



5.5. From Fig.1. 2 above, it may be seen that since inception of RTI, all the Government Departments, have been expediting requests for information quite earnestly and ardently. The computed percentage values of requests received and disposed, speak for themselves. However, during the year under report, all these Departments put together, had received a total of 224,130 petitions

(including Requests and First Appeals), of which 213,283 were disposed during the year as against 172,847 receipts and 164,456 disposals during the previous year. The healthy tradition of a good rate of disposals (95.16%) continues as during the previous year too (94.96%). Certainly a very healthy indicator under any circumstances.

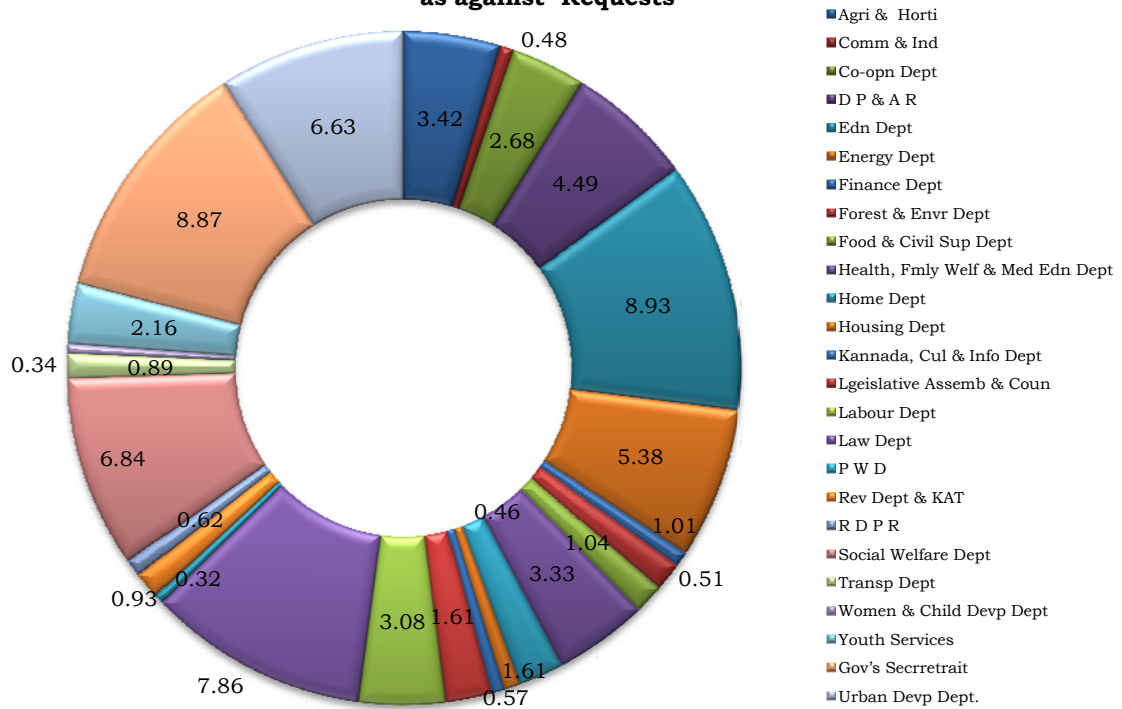


5.6. Any Act would be a complete success only when all the provisions of the Act have seen the light of the day. The First Appellate Authorities are an important part of the Act. Fig. 2 shows the exact role played by them and the faith placed in it by the information seekers. It appears that a majority of information seekers are either ignorant or like to avoid using Section 19(1) of the Act (first appeal). Seeking refuge under the provisions of Section 18(1), the seekers, rush to the Commission in case of any discrepancy found in the information provided.

The dwindling number of First Appeals reported is very distressing. From 32.60%, appeals received in 2006-07, it has come down to stand to as low as 6.79% in 2010-11.

5.7. Fig. 2(a) shows the percentage of First Appeals reported by the various Government departments. The table below shows the depleting number of First Appeals filed as against requests for information.

**Fig. 2(a) - Percentage of Appeals received by Government Departments as against Requests**

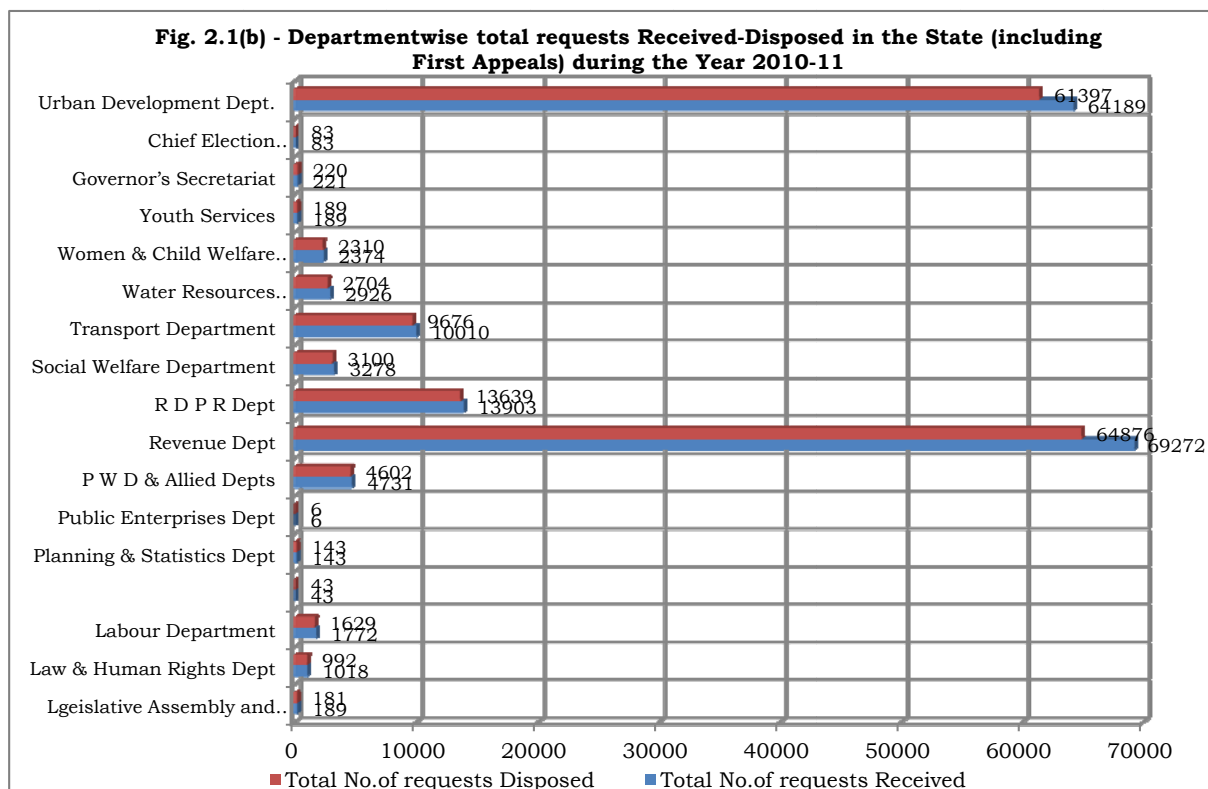
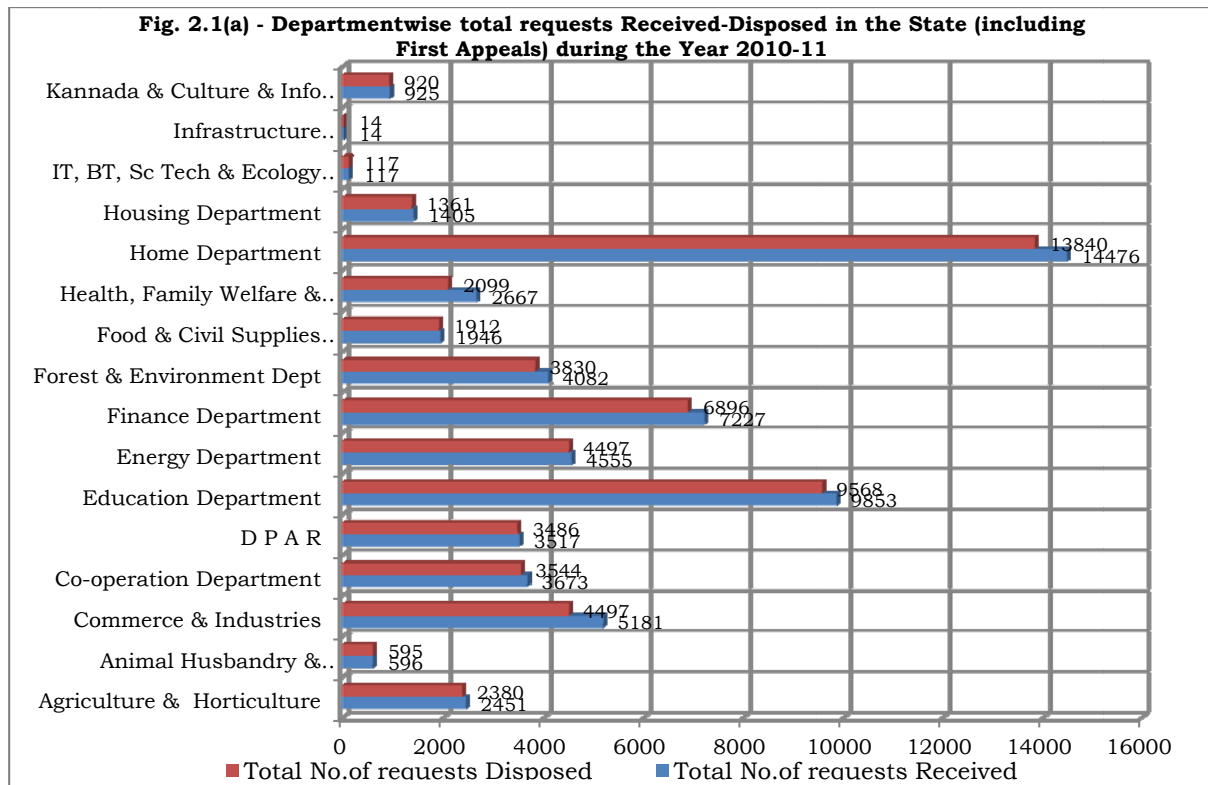


Name of the Department	% of First Apls Recd as to Reuqests Recd	Name of the Department	% of First Apls Recd as to Reuqests Recd	Name of the Department	% of First Apls Recd as to Reuqests Recd	Name of the Department	% of First Apls Recd as to Reuqests Recd
Agri & Horti Dept.	3.42	Forest, Envr Dept & PCB	1.01	Lgeislative Assembly & Council	1.61	Transp Dept	0.89
Comm & Ind Dept.	0.48	Food & Civil Sup Dept	1.04	Labour Dept	3.08	Urban Devp Dept.	6.63
Co-oprn Dept	2.68	Gov's Sect	8.87	Law Dept.	7.86	Women & Child	0.34
D P & A R	4.49	Home Dept	1.61	P W D	0.32	Women & Child Devp Dept	0.34
Edn Dept	8.93	Health, Fmly Welf & Med Edn Dept	3.33	Rev Dept & KAT	0.93	Youth Services	2.16
Energy Dept	5.38	Housing Dept	0.57	R D P R	0.62		
Finance Dept	0.51	Kannada, Cul & Info Dept	0.46	Social Welfare Department	6.84		

5.7 Unlike in the previous three years, this year Revenue Department received the largest number of requests for information (69,272) Urban Development Department (64,189) stood a close second. Of these, the disposals were 64,876 and 61,397, respectively. These two departments together accounted for 56.76% of the total requests received by the Government Departments.

Figs. 2.1(a) and 2.1(b) below show the department-wise details of requests for information received and disposed by the Departments.





Note: Fig: 2.1(a) and 2.1(b) depict 33 departments and they may be viewed in conjunction.

5.8 Home, Rural Development, Panchayath Raj and Transport Departments crossed the five digit mark to form the second largest group with individual requests (including first appeals) received being 14,476, 13,903, and 10,010, respectively. The disposals by these three departments were: 13,840, 13,639 and 9,676 respectively. Close on the heels of these 6 departments was



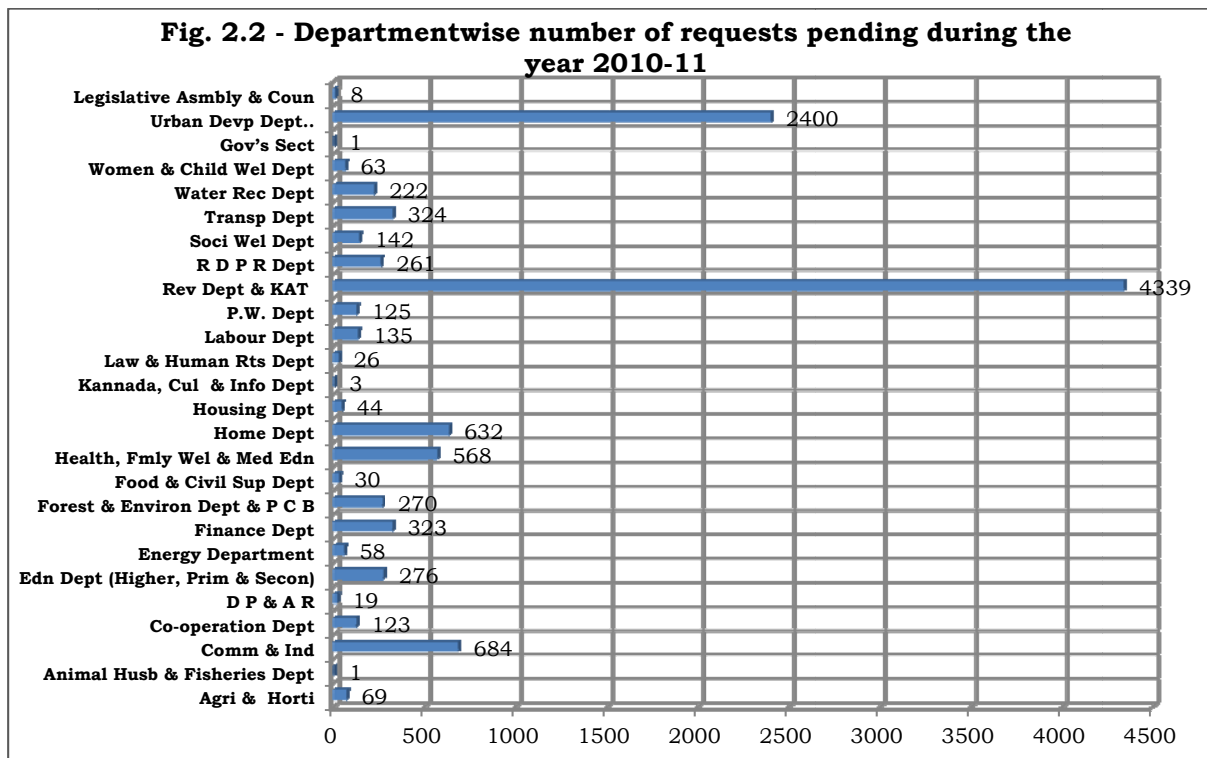
Education Department, which received and disposed 9,853 and 9,568 requests received during 2010-11.

5.9 During the year under report, Commerce and Industries, Public Works Departments and Forest reported 5181, 4731 and 4082 as requests for information received and 4497, 4602 and 3830 disposed respectively. While Co-operation, D.P.A.R and Social Welfare departments received 3673, 3518 and 3278 requests, they disposed 3544, 3486 and 3100 respectively. The remaining departments reported less than 3 thousand requests in the whole year.

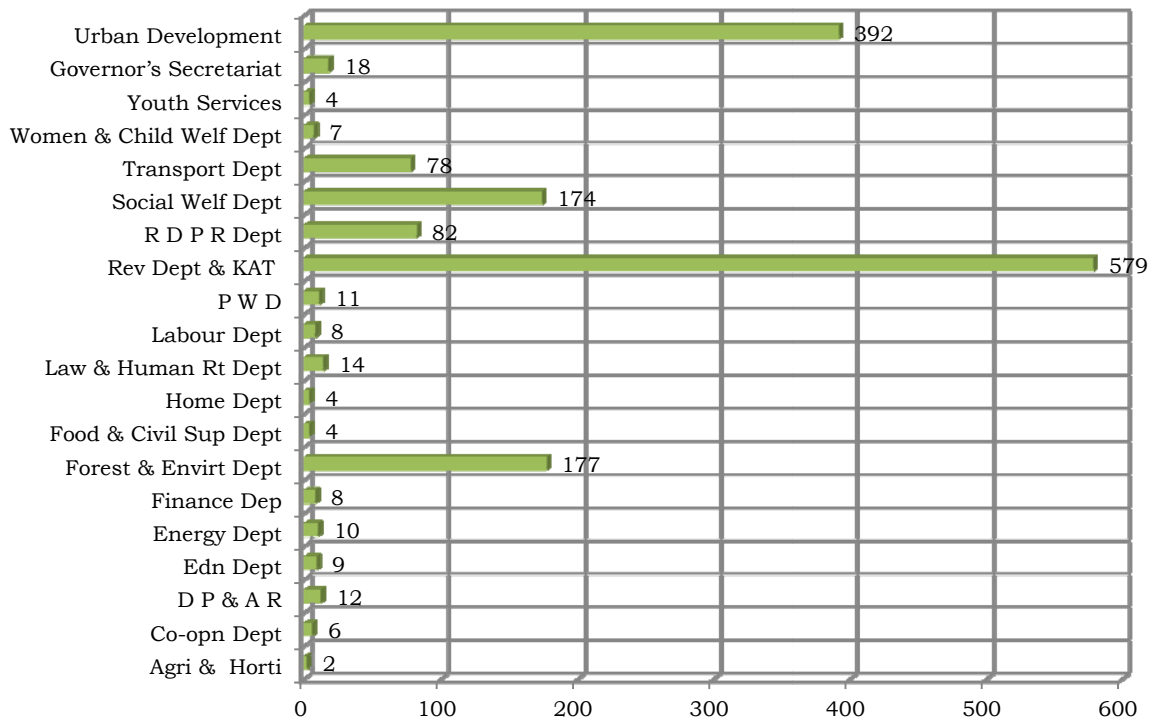
5.10 While the Kannada & Culture and Information Publicity Department reported only 7 requests received, which it had disposed, Law and Human Rights Department failed completely, to report the progress achieved.

5.11 Fig.2.2 details the requests pending with the various Public Authorities. The total pending requests of 11,147 was 45.35% more than the previous year (5,055). However, the receipts too were up by 77.16%. It stood at 224,130 in the current year) as against 172, 847 in the previous year. It was noted that the highest a number of requests of 4339 were pending with Revenue Department followed by Urban Development Department (2400).

5.12 Similarly, Fig. 2.2 illustrates pending First Appeals with the Public Authorities during the year under report. Here too, the highest numbers of First Appeals pending were reported by Revenue and Urban Development Departments as in the case of requests for information.

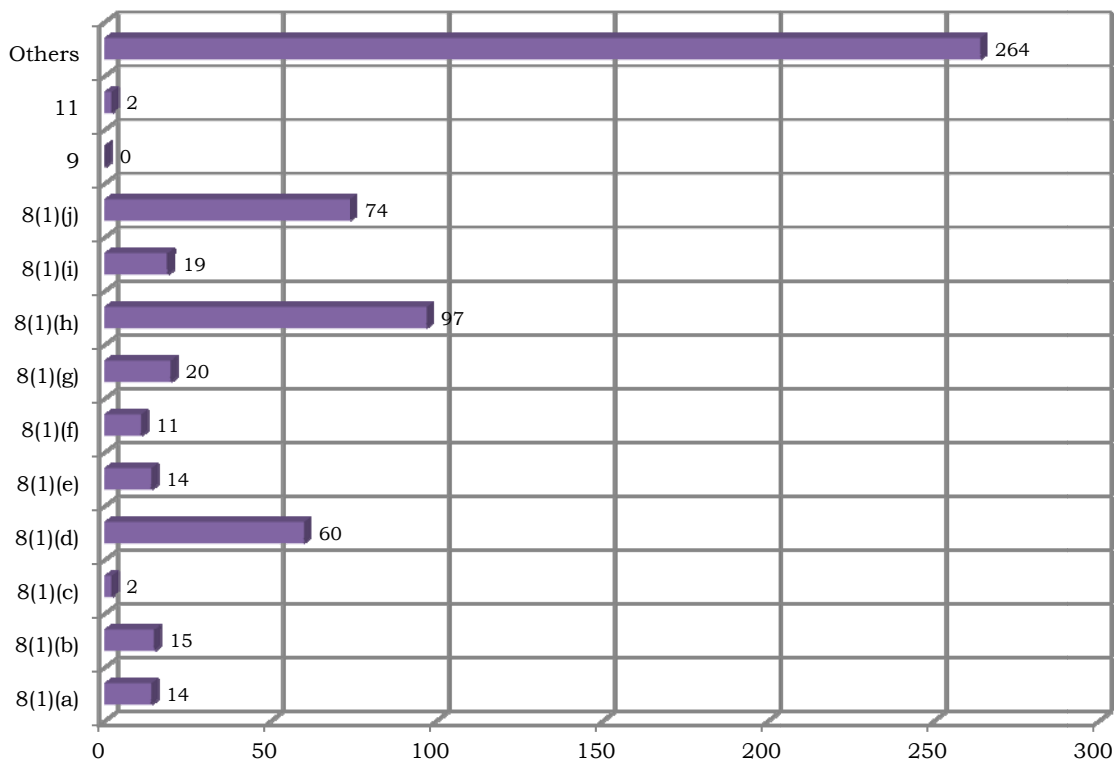


**Fig. 2.3 - First Appeals Pending in the Government Departments**



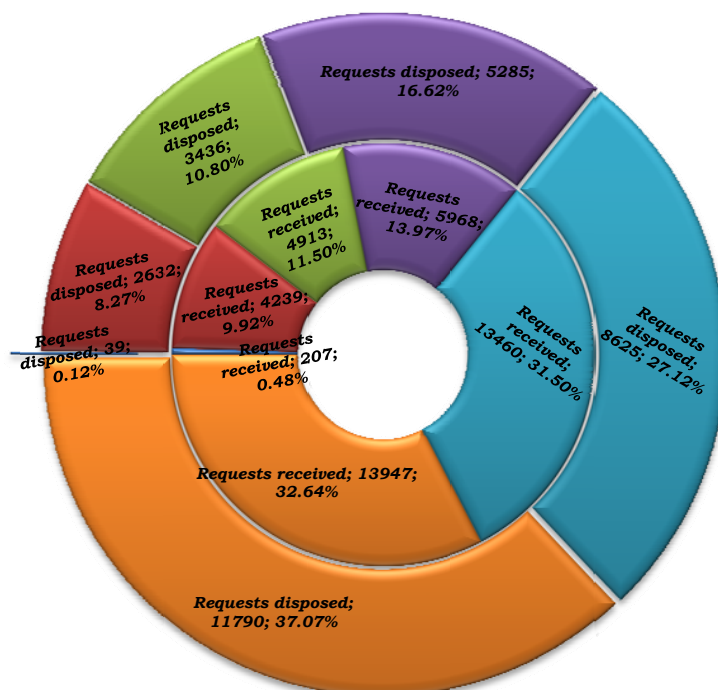
5.13 Fig. 2.4 indicates clearly the Total Number of Requests Rejected by all the Public Authorities with the detailed break-up of 385 total requests rejected, by the Public Authorities, under the different provisions of section 8(1) of the Act.

**Fig. 2.4 - Total Number of requests rejected by all the Departments in 2010-11**



## COMMISSION STATISTICS

**Fig. 3 - Percentage of RTI requests received and disposed by KIC since inception of RTI (up to 2010-11)**

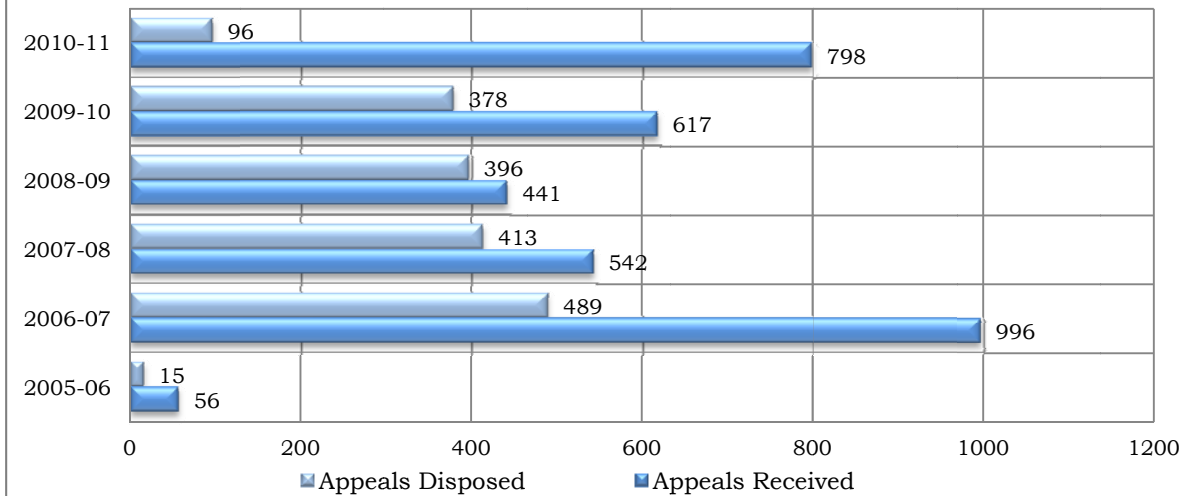


■ 2005-06 ■ 2006-07 ■ 2007-08 ■ 2008-09 ■ 2009-10 ■ 2010-11

- 5.14 The values in Fig.3 were computed, treating all the six years as one unit. As in the previous years, during the year under report too, the total number of Complaints received was far superseding the number of Appeals.
- 5.15 What deserves mention here is a note of the percentages of receipts. The percentage that had bounced from 13.49% to 30.42% between 2008-09 and 2009-10, saw only a moderate growth to stand at 34.94% between 2009-10 and 2010-11. The disposal percentage fell from 32.05% in 2009-10 to stand at 25.63% in during 2010-11.
- 5.16 Computing the annual progress of disposals achieved in the previous years (62.09% - 2006-07; 69.94% - 2007 08; 88.56% - 2008-09; 63.77% - 2009-10), the rate of disposal, in the current year, fell drastically by 69.65% to stand at 44.63% as against the previous year. This has its owing to the fact that the former SCIC and SIC-KAT had retired as Commissioners in July and October respectively. As a result of only two SICs were hearing cases till January 2011, this huge dent in disposals was experienced in the Commission.



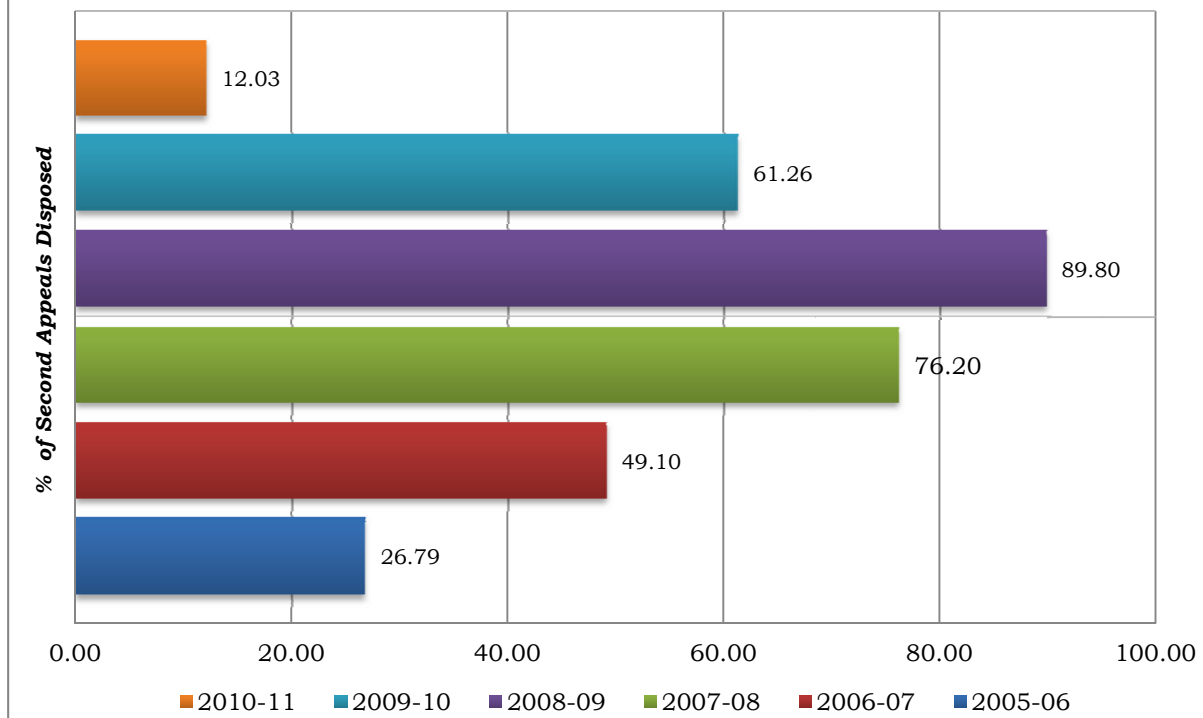
**Fig. 3.1 - Second Appeals received and disposed by KIC during the last 6 years**

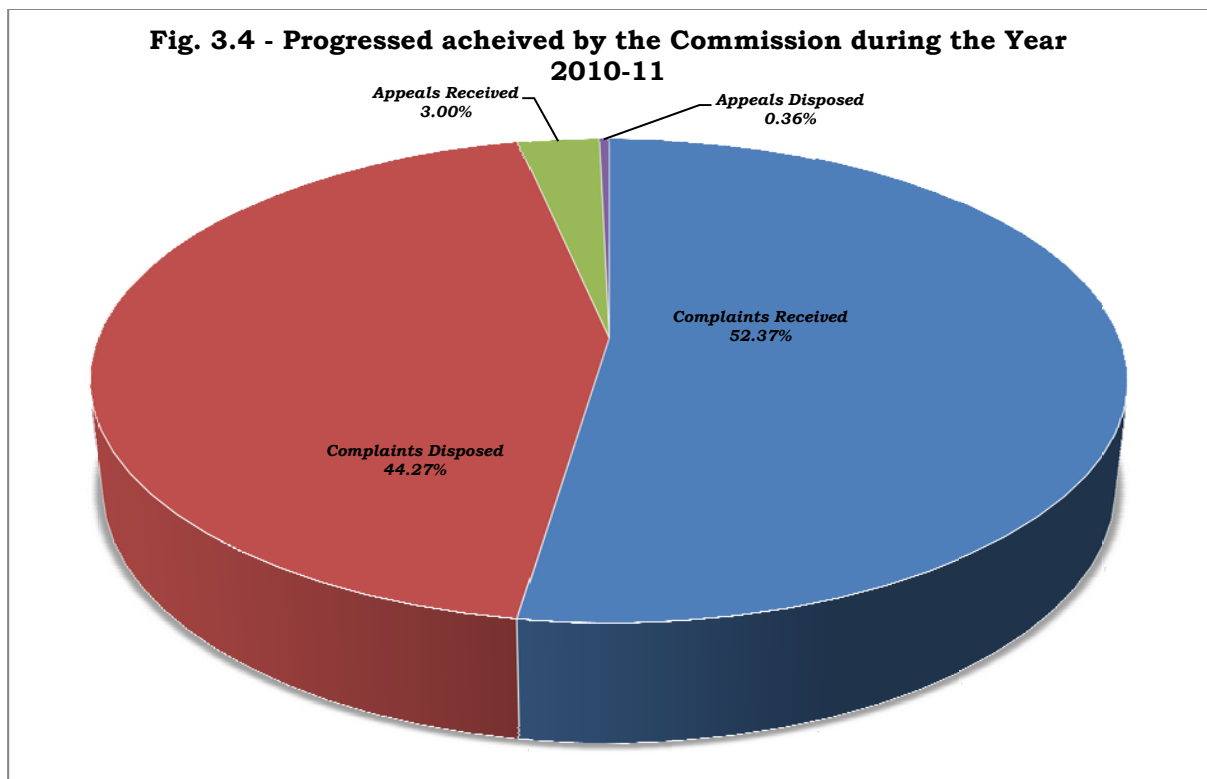
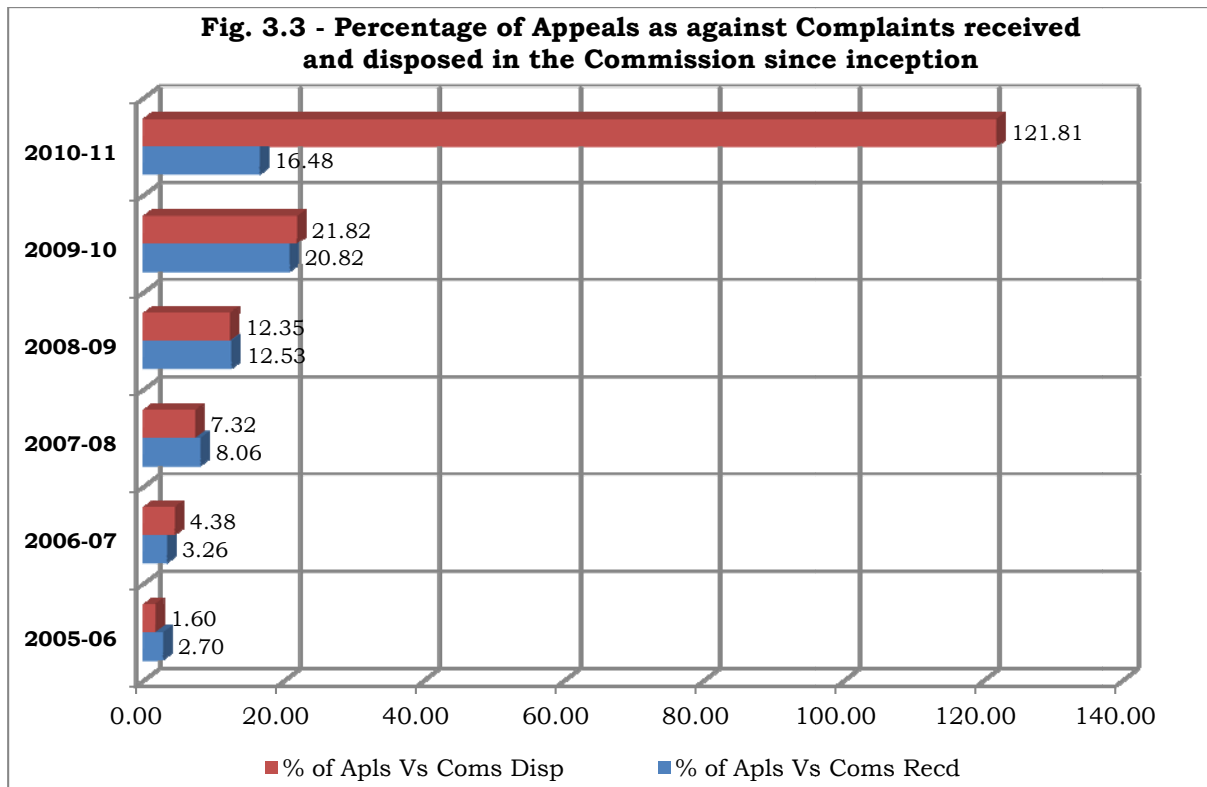


5.17 Fig. 3.1, Fig. 3.2 and Fig. 3.3 are pretty straight forward in their depictions.

5.18 It must be mentioned that in all these six years, the percentage of Second Appeals received (3535) in Commission was also recorded a meager 19.77% as against the total number of First Appeals (17884) filed before the First Appellate Authorities. During these six years, the Second Appeals (3535) received in the Commission was against a whopping 40709 Complaints and constituted a meager 8.68% of the total Complaints.

**Fig. 3.2 - Yearwise Percentile Disposal of Second Appeals in the Commission since inception**





5.19 Fig. 3.4 needs no explanation. What is, note-worthy is that during 2010-11, the percentage of appeals received and disposed stood at dismal levels.

5.20 It is apparent that sub-section 18(1)(c); i.e. *“Failure to give response to a request for information or to provide access to information within the time*



*limit*” is the main sub-section under which Complainants approach the Commission.

5.21 During the year 2010-11, the defective petitions were just 6. These defective petitions, as a procedure are returned to the petitioners requesting them to resubmit the same after correcting the indicated defects.

5.22 7 Provisions of various sub-sections of section 18(1) are reproduced below for ready reference,

*Section 18(1)(a) - Non appointment of Public Information Officers Assistant Public Information Officers 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.*

5.23 Information pertaining to the implementation of the Act during the year under report (2008-09) 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 under section 8(1) the Act under which the requests were rejected by the State Public Information Officers.

Table 4: Disposal of Appeals by First Appellate Authorities filed 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.





**Table 1**  
**Number of Public Authorities and Public Information Officers**  
**[See Section 5(1)]**  
**Reporting Year: 2010-11**  
**[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	14	1256
2	Animal Husbandry & Fisheries Department	12	3766
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	32	305
4	Co-operation Department	380	380
5	Department of Personnel & Administrative Reforms including , AR, e-Governance, Public Grievance and K I C	27	80
6	Education Dept including Higher Education & Technical Education.	56918	58476
7	Energy Department	12	642
8	Finance Department	9	1153
9	Forest including Environment & Ecology	50	347
10	Food & Civil Supplies Department	421	421
11	Health & Family Welfare including Medical Education Department	41	140
12	Home including Prisons	7	1607
13	Housing Department	5	51
14	Information, Bio-technology, Science & Technology.	11	10
15	Infrastructure Development Department	1	2
16	Kannada & Culture & Information Department	16	173
17	Karnataka Legislature Assembly and Council	2	2
18	Law & Human Rights Department including Courts	9	72
19	Labour Department	5	174
20	Department of Parliamentary affairs & Legislation	3	12
21	Planning & Statistics Department	7	54
22	Public Enterprises Department	1	3
23	Public Works Department & National Highways	9	401
24	Revenue Department including Mujrai, Stamps & Registration and KAT	75	1393
25	Rural Development including Panchayat Raj	5841	6075
26	Social Welfare Department including Minority welfare	9	469
27	Transport Department	7	302
28	Water Resources including Major, Medium & Minor	20	316
29	Women & Child Welfare Department	10	352



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 & Corporations	301	971
<b>TOTAL</b>		<b>64260</b>	<b>79416</b>

&& Since the inclusion of Co-operative Societies as Public Authorities has been set aside by the High Court of Karnataka, the number does not include the Co-operative Societies and their Public Information Officers.



**Table – 2**  
**Requests for Information filed Under Sec.6 of the RTI Act and their Disposal by**  
**the Public Information Officers; Reporting Year 2010-11**  
**[Source: Reports from Departments]**

Sl. No.	Name of the Department	Requests pending at the end of Last year	No of Requests received during the year	Total No of Requests	No of requests Disposed	Requests pending at the end of the year
1	2	3	4	5	6	7
1	Agriculture including Horticulture & Food Processing	48	2322	2370	2301	69
2	Animal Husbandry & Fisheries Department	2	594	596	595	1
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	219	4937	5156	4472	684
4	Co-operation Department	152	3425	3577	3454	123
5	Department of Personnel & Administrative Reforms including AR, e-Governance, Public Grievance and K I C	59	3307	3366	3347	19
6	Education including Higher Education & Technical Education.	172	8873	9045	8769	276
7	Energy Department	87	4245	4332	4274	58
8	Finance Department	286	6904	7190	6867	323
9	Forest including Environment & Ecology	270	3771	4041	3789	252
10	Food & Civil Supplies Department	26	1900	1926	1896	30
11	Health & Family Welfare Department	0	2581	2581	2013	568
12	Home including Prisons	397	13850	14247	13615	632
13	Housing Department	6	1391	1397	1353	44
14	Information Bio-technology, Science & Technology.	2	115	117	117	0
15	Infrastructure Development Department	0	14	14	14	0
16	Kannada & Culture & Information Department	3	915	918	913	5
17	Karnataka Legislative Assembly & Council	8	178	186	178	8
18	Law & Human Rights Department including Courts	27	991	1018	992	26
19	Labour Department	89	1630	1719	1584	135
20	Department of Parliamentary affairs & Legislation	0	43	43	43	0
21	Planning & Statistics Department	0	143	143	143	0
22	Public Enterprises Department	0	6	6	6	0
23	Public Works Department & National Highways	144	4572	4716	4591	125
24	Revenue Department including Mujrai, Stamps and Registration and KAT	3101	65535	68636	64297	4339
25	Rural Development including Panchayat Raj	400	13418	13818	13557	261
26	Social Welfare Department including Minority welfare	78	2990	3068	2926	142
27	Transport Department	235	9687	9922	9598	324



1	2	3	4	5	6	7
28	Water Resources including Major, Medium & Minor	147	2779	2926	2704	222
29	Women & Child Welfare Department	16	2350	2366	2303	63
30	Youth Services	0	185	185	185	0
31	Governor's Secretariat	1	202	203	202	1
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	0	83	83	83	0
33	Urban Development including Municipal Administration & Corporations	2416	57780	60196	57796	2400
<b>TOTAL</b>		<b>8391</b>	<b>221716</b>	<b>230107</b>	<b>218977</b>	<b>11130</b>

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: 2010-11**

**[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	13	14
1	Agriculture including Horticulture & Food Processing	0	0	0	0	0	0	0	0	0	0	0	0
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	14	0	0	0	1	0	10	5	30
4	Co-operation Department	0	0	0	0	0	0	0	0	0	0	0	0
5	Department of Personnel & Administrative Reforms including AR, e-Governance, Public Grievance and K I C	0	0	0	25	2	1	15	67	0	28	12	150
6	Education including Higher Education & Technical Education.	0	0	0	0	0	0	0	0	0	0	0	0
7	Energy Department	1	0	0	5	0	0	3	3	0	0	23	35
8	Finance Department	1	5	0	12	12	0	0	7	2	10	4	53
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
17	Karnataka Legislative Assembly	0	0	1	0	0	0	0	0	0	2	0	3
18	Law & Human Rights Department including Courts	0	0	0	0	0	0	0	0	0	0	0	0



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	13	14
19	Labour Department	0	0	0	0	0	0	0	0	0	0	0	0
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	10	0	0	0	0	0	0	0	0	0	10
26	Social Welfare Department including Minority welfare	4	0	0	0	0	0	0	0	0	0	6	10
27	Transport Department	0	0	1	1	0	6	2	0	16	0	0	26
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	3	0	0	0	3
30	Youth Services	0	0	0	0	0	0	0	0	0	2	0	2
31	Governor's Secretariat	0	0	0	0	0	0	0	6	0	0	0	6
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, DPAR	0	0	0	0	0	0	0	0	0	0	0	0
33	Urban Development including Municipal Administration & Corporations	8	0	0	3	0	4	0	0	0	0	0	15
<b>TOTAL</b>		<b>14</b>	<b>15</b>	<b>2</b>	<b>60</b>	<b>14</b>	<b>11</b>	<b>20</b>	<b>87</b>	<b>18</b>	<b>52</b>	<b>48</b>	<b>343</b>

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



**Table 4**  
**Disposal of Appeals by First Appellate Authorities filed under Sec.19 (1) of the Act**  
**Reporting Year: 2010-11**  
**[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 pending beyond 30 Days	No of First Appeals Rejected
1	2	3	4	5	6	7	8
1	Agriculture including Horticulture & Food Processing	3	78	81	79	2	0
2	Animal Husbandry & Fisheries Department	0	0	0	0	0	0
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	0	25	25	25	0	0
4	Co-operation Department	5	91	96	90	6	0
5	Department of Personnel & Administrative Reforms including AR, e-Governance, Public Grievance and K I C	2	149	151	139	12	0
6	Education including Higher Education & Technical Education.	18	790	808	799	9	0
7	Energy Department	0	233	233	223	10	0
8	Finance Department	2	35	37	29	8	0
9	Forest including Environment & Ecology	7	34	41	41	0	0
10	Food & Civil Supplies Department	1	19	20	16	4	0
11	Health & Family Welfare Department	0	86	86	86	0	0
12	Home including Prisons	0	229	229	225	4	0
13	Housing Department	0	8	8	8	0	0
14	Information Bio-technology, Science & Technology.	0	0	0	0	0	0
15	Infrastructure Development Department	0	0	0	0	0	0
16	Kannada & Culture & Information Department	0	7	7	7	0	0
17	Karnataka Legislative Assembly	0	3	3	3	0	0
18	Law & Human Rights Dept. including Courts	0	80	80	66	14	0
19	Labour Department	0	53	53	45	8	0
20	Parliamentary affairs & Legislation Department	0	0	0	0	0	0
21	Planning & Statistics Department	0	0	0	0	0	0
22	Public Enterprises Department	0	0	0	0	0	0
23	Public Works Department & National Highways	4	11	15	11	4	0
24	Revenue Department including Mujrai, Stamps and Registration and KAT	13	623	636	579	57	0
25	Rural Development including Panchayat Raj	1	84	85	82	3	0



1	2	3	4	5	6	7	8
26	Social Welfare Department including Minority welfare	10	200	210	174	36	0
27	Transport Department	13	75	88	78	10	0
28	Water Resources including Major, Medium & minor	0	0	0	0	0	0
29	Women & Child Welfare Department	0	8	8	7	1	0
30	Youth Services	4	0	4	4	0	0
31	Governor's Secretariat	0	18	18	18	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 including Municipal Administration & Corporations	289	3704	3993	3601	392	0
<b>TOTAL</b>		<b>372</b>	<b>6643</b>	<b>7015</b>	<b>6435</b>	<b>580</b>	<b>0</b>





**Table 5**

**Department-wise Disposal of Complaints by the Commission  
Reporting Year: 2010-11**

[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 pending
1	2	3	4	5	6	7
1	Agriculture including Horticulture & Food Processing	97	253	350	135	215
2	Animal Husbandry & Fisheries Department	31	54	85	39	46
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	101	303	404	221	183
4	Co-operation Department	277	318	595	354	241
5	Department of Personnel & Administrative Reforms including AR, e-Governance, Public Grievance and K I C	112	163	275	198	77
6	Education including Higher Education & Technical Education.	634	1101	1735	892	843
7	Energy Department	111	266	377	212	165
8	Finance Department	115	188	303	181	122
9	Forest including Environment & Ecology	94	150	244	150	94
10	Food & Civil Supplies Department	49	86	135	87	48
11	Health & Family Welfare Department	111	312	423	321	102
12	Home including Prisons	292	779	1071	431	640
13	Housing Department	23	28	51	46	5
14	Information, Bio-Technology, Science & Technology.	12	3	15	8	7
15	Infrastructure Development Department	13	12	25	8	17
16	Kannada & Culture & Information Department	26	37	63	28	35
17	Karnataka Legislative Assembly	11	11	22	9	13
18	Law & Human Rights Department including Courts	143	129	272	174	98
19	Labour Department	23	101	124	78	46
20	Parliamentary affairs & Legislation Department	4	3	7	2	5
21	Planning & Statistics Department	18	33	51	20	31
22	Public Enterprises Department	4	2	6	3	3
23	Public Works Department & National Highways	157	204	361	182	179
24	Revenue Department including Mujrai, Stamps and Registration and KAT	1598	2484	4082	2353	1729
25	Rural Development including Panchayat Raj	1442	2041	3483	2302	1181
26	Social Welfare Department including Minority welfare	151	225	376	244	132
27	Transport Department	107	191	298	140	158
28	Water Resources including Major, Medium & minor	153	174	327	219	108
29	Women & Child Welfare Department	52	70	122	68	54
30	Youth Services	21	10	31	31	0
31	Governor's Secretariat	10	10	20	4	16



1	2	3	4	5	6	7
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	3	3	6	1	5
33	Urban Development including Municipal Administration & Corporations	1687	3405	5092	2521	2571
<b>DEFECTS</b>		-	<b>526</b>	<b>526</b>	<b>526</b>	-
<b>TOTAL</b>		<b>7682</b>	<b>13665</b>	<b>21357</b>	<b>12220</b>	<b>9169</b>

***Defective/illegible-Complaints rejected due to non-re-submission by the Complainants after curing the defects hence treated as complaints disposed by the Commission.***



**Table 6**  
**Department-wise Disposal of Second Appeals by the Commission**  
**Reporting Year: 2010-11**

[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	23	7	30	1	29
2	Animal Husbandry & Fisheries Department	1	2	3	0	3
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	10	9	19	0	19
4	Co-operation Department	42	12	54	1	53
5	Department of Personnel & Administrative Reforms including AR, e-Governance, Public Grievance and K I C	18	14	32	5	27
6	Education including Higher Education & Technical Education.	88	29	117	2	115
7	Energy Department	8	6	14	0	14
8	Finance Department	19	5	24	0	24
9	Forest including Environment & Ecology	20	12	32	4	28
10	Food & Civil Supplies Department	3	4	7	1	6
11	Health & Family Welfare Department	24	11	35	3	32
12	Home including Prisons	43	23	66	0	66
13	Housing Department	4	5	9	2	7
14	Information Bio-technology, Science & Technology.	17	1	18	0	18
15	Infrastructure Development Department	0	0	0	0	0
16	Kannada & Culture & Information Department	3	0	3	0	3
17	Karnataka Legislative Assembly	0		0	0	0
18	Law & Human Rights Department including Courts	6	6	12	2	10
19	Labour Department	6	5	11	0	11
20	Parliamentary affairs & Legislation Department	0	0	0	0	0
21	Planning & Statistics Department	2	0	2	0	2
22	Public Enterprises Department	0	0	0	0	0
23	Public Works Department & National Highways	13	7	20	1	19
24	Revenue Department including Mujrai, Stamps and Registration and KAT	168	82	250	17	233
25	Rural Development including Panchayat Raj	159	119	278	9	269
26	Social Welfare Department including Minority welfare	10	14	24	1	23
27	Transport Department	6	17	23	1	22
28	Water Resources including Major, Medium & minor	8	6	14	2	12



1	2	3	4	5	6	7
29	Women & Child Welfare Department	3	4	7	3	4
30	Youth Services	2	4	6	0	6
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.	250	393	643	40	603
<b>Total</b>		<b>958</b>	<b>798</b>	<b>1756</b>	<b>96</b>	<b>1660</b>



**Table 7**  
**Summary of Costs, Fees & Charges Collected by Public Authorities**  
**Reporting Year: 2010-11**

**[Source: Reports from Departments]**

Sl No	Name of Department	Total Collection Amt. in Rs.
1	2	3
1	Agriculture including Horticulture & Food Processing	<b>67308.00</b>
2	Animal Husbandry & Fisheries Department	<b>20503.00</b>
3	Commerce & Industries including Mines, Textiles and Small Scale Industries	<b>139800.00</b>
4	Co-operation Department	<b>103747.00</b>
5	Department of Personnel & Administrative Reforms including DPAR (AR), e-Governance, Public Grievance and K I C	<b>101729.00</b>
6	Education including Higher Education & Technical Education.	<b>156331.00</b>
7	Energy Department	<b>82713.00</b>
8	Finance Department	<b>84070.00</b>
9	Forest including Environment & Ecology	<b>117121.00</b>
10	Food & Civil Supplies Department	<b>33611.00</b>
11	Health & Family Welfare Department	<b>64923.00</b>
12	Home including Prisons	<b>161604.00</b>
13	Housing Department	<b>39075.00</b>
14	Information Bio-technology, Science & Technology.	<b>1664.00</b>
15	Infrastructure Development Department	<b>140.00</b>
16	Kannada & Culture & Information Department	<b>13732.00</b>
17	Karnataka Legislative Assembly	<b>6806.00</b>
18	Law & Human Rights Department including Courts	<b>13174.00</b>
19	Labour Department	<b>19231.00</b>
20	Parliamentary affairs & Legislation Department	<b>600.00</b>
21	Planning & Statistics Department	<b>1396.00</b>
22	Public Enterprises Department	<b>60.00</b>
23	Public Works Department & National Highways	<b>81497.00</b>
24	Revenue Department including Mujrai, Stamps and Registration and KAT	<b>888482.00</b>
25	Rural Development including Panchayat Raj	<b>177801.00</b>
26	Social Welfare Department including Minority welfare	<b>31992.00</b>
27	Transport Department	<b>137263.00</b>
28	Water Resources including Major, Medium & minor	<b>82868.00</b>
29	Women & Child Welfare Department	<b>27445.00</b>



1	2	3
30	Youth Services	<b>4209.00</b>
31	Governor's Secretariat	<b>6518.00</b>
32	Chief Electoral Officer & Ex-Officio Principal Secretary to Government, D.P.A.R.	<b>928.00</b>
33	Urban Development Dept.	<b>740972.00</b>
<b>GRAND TOTAL</b>		<b>3409313.00</b>

Source: Reports from the Government Departments



## CHAPTER - IV

### Accounts of the Commission

#### Annual accounts of Karnataka Information Commission for the year 2010-11:

4.1 The Government of Karnataka is releasing funds through budget allocations to the Commission, under Head of Account “2251-00-090-003 - Non-Plan” to meet the administrative and other expenses. During the year under report, the Commission had received a sum of Rs. 295.05/- lakhs (inclusive of additional grants) and had spent a total of Rs. 267.48 lakhs.

4.2 The Statement of Receipts and Expenditure of Karnataka Information Commission is as follows:

#### Receipts:

(Rs.in lakhs)

State Government Receipts	Head Of Accounts	Regular	Additional	Reapprn	Total
1. Pay – Officers <sup>⊙</sup>	2251-00-090-003-02	10.74	-	-	10.74
2. Pay – Staff <sup>⊙</sup>	2251-00-090-003-03	9.82	-	-	9.82
3. Dearness Allowance <sup>⊙</sup>	2251-00-090-003-011	10.27	-	-	10.27
4. Other Allowance	2251-00-090-003-014	45.15	-	-	45.15
5. Medical Allowance	2251-00-090-003-020	0.05	-	-	0.05
6. Reimbursement of Medical expences	2251-00-090-003-021	1.00	-	-	1.00
7. Travel Expences	2251-00-090-003-041	33.40	-	-	33.40
8. General Expences	2251-00-090-003-051	60.00	26.72	15.00	<b>101.72</b>
9. Telephone Charges	2251-00-090-003-052	10.00	-	-	10.00
10. Machinery & Equip	2251-00-090-003-180	41.00 <sup>⊙</sup>	-	(-15.00)	<b>26.00</b>
11. Transport expences	2251-00-090-003-195	14.40	32.50	-	<b>46.90</b>
<b>Total</b>		<b>220.83<sup>⊙</sup></b>	<b>59.22</b>	<b>15.00</b>	<b>295.05</b>

<sup>⊙</sup> A sum of Rs. 15 lakhs was re-appropriated to ward General Expences.

#### Expenses:

(Rs.in lakhs)

Expenditure incurred by the Commission	Head Of Accounts	Total Expenses
1. Pay – Officers <sup>⊙</sup>	2251-00-090-003-02	24.87
2. Pay – Staff <sup>⊙</sup>	2251-00-090-003-03	14.43
3. Dearness Allowance <sup>⊙</sup>	2251-00-090-003-011	20.81
4. Other Allowance	2251-00-090-003-014	35.09
5. Medical Allowance	2251-00-090-003-020	0.04
6. Reimbursement of Medical expences	2251-00-090-003-021	0.74
7. Travel Expences	2251-00-090-003-041	2.37
8. General Expences	2251-00-090-003-051	97.68
9. Telephone Charges	2251-00-090-003-052	3.64
10. Machinery & Equip	2251-00-090-003-180	21.67
11. Transport expences	2251-00-090-003-195	46.14
<b>Total</b>		<b>267.48</b>

<sup>⊙</sup> Expenditure exceeded @ Sl. No. 1, 2 & 3 due to sanction of 3 New SICs and their establishments.

#### Central Government grants towards I T Enablement:

In Rs.

Central Government Receipts	Amt. Released	Exenditure made
<b>Total</b>	-	885, 623/-
<b>Balance</b> (returned to G.O.I)	-	14,377/-



## **CHAPTER VI RECOMMENDATIONS**





## **CHAPTER VI**

### **RECOMMENDATIONS**

In its earlier four reports for the years 2005-06, 2006-07, 2007-08 and 2008-09, the Commission had made the following important recommendations:

1. On cataloguing and indexing records, it was suggested that the Less Paper Software, web-based Application software developed jointly by NIC and E-Governance Department, may be used. This could help proper maintenance of records including hosting of these records on the websites as contemplated under section 4(1)(a) of the RTI Act.
2. Urgent and immediate steps need to be taken to improve the upkeep of record rooms to facilitate quick retrieval of records.
3. Publication of effective and complete proactive disclosures, hosting of these disclosures on websites and their periodic updation should be undertaken.
4. Citizens' charters should be finalized on the basis of suo-moto disclosures and these should form part of annual reports of secretariat departments and statutory bodies, which are presented to the Houses of Karnataka Legislatures.
5. Copies of suo-moto disclosure should be made available at cost or free of cost and non compliance with the statutory requirements under section 4 should be made to lead to invoking of penal provisions against the defaulting Public Authorities under section 20 of the Act.
6. Lists of Public Information Officers, Assistant Public Information Officers, First Appellate Authorities and Public Authorities with their names, designations, addresses and phone numbers should be displayed at prominent places for the benefit of citizens and they should also be published on the websites.
7. Training of Public Information Officers, First Appellate Authorities and others officers and creating awareness and educating citizens in use of RTI Act should be undertaken.
8. Incorporation of a specific column in the annual confidential report of officers to record their attitude towards implementation of RTI Act, by bringing amendments to the relevant service rules.
9. Setting up a RTI call center for helping RTI applicants to get their applications recorded on the lines of 'Janakari' set up by the Bihar Govt.



10. Soft copies of all Acts, Rules, Codes, Regulations and Government Orders should be made available on the web-sites.
11. In addition, the Commission in exercise of its powers vested under section 19(8) of the Act has issued directions to Public Authorities suggesting systematic changes in their functioning for securing compliance with the provisions of the Act including changes in its practices in relation to the maintenance, management and destruction of records. Following are some of the specific directions issued to various Public Authorities seeking their compliance in public interest:
  - (i) Commission directed Bruhat Bangalore Mahanagara Palike to set up a RTI cell to process and respond to requests made to it under RTI Act
  - (ii) Commission also directed Bruhat Bangalore Mahanagara Palike to evolve a “Standard Procedure” to deal with complaints relating to violations of sanctioned plans and building bye-laws.
  - (iii) Commission directed Bangalore Metropolitan Regional Development Authority, Bangalore Development Authority and Bruhat Bangalore Mahanagara Palike to undertake the task of scanning all the records dealing with sanction of building plans including the layout plans and also accept the building plans in electronic format.
  - (iv) Commission directed Bruhat Bangalore Mahanagara Palike to constitute a committee, consisting of officers and representatives from activists and civil society organizations, to prepare a comprehensive proactive disclosure together with a proper citizens’ charter.
  - (v) Preparation and Publication of lists of Public Information Officers, Assistant Public Information Officers, First Appellate Authorities and Public Authorities of all the departments, district wise and also at secretariat level through their nodal officers and hosting the same on the web-sites.
  - (vi) Including RTI Act in the school and college curriculum.
  - (vii) Designating Deputy Secretary level officers as nodal officers in Secretariat Departments to monitor implementation of the RTI Act.
12. However, only a few recommendations have been implemented so far by the Government, such as constitution of a High Level Committee under the Chairmanship of the Chief Secretary to monitor the implementation of the RTI Act, issue of circular instructions on cataloguing and indexing of records, publication of suo-moto disclosures, hosting them on websites and their periodical updation, etc.
13. With regard to directions issued by the Commission under section 19(8) of the Act, the Bruhat Bangalore Mahanagara Palike has complied with some of the directions of the Commission and has set up a RTI Cell to receive the requests by evolving standard procedure for initiating action in cases where



the buildings have been constructed in violation of sanctioned plans/or building bye-laws.

14. Bruhat Bangalore Mahanagara Palike and Bangalore Development Authority have complied with the direction of Commission in respect of obtaining soft copies of building plans from developers/builders for sanction.
15. Education Department has taken action to include RTI in the curriculum of the schools and colleges by taking suitable steps in this regard. Department of Personnel and Administrative Reforms has issued circular instructions for appointing nodal officers.
16. However, the Commission noted that several other recommendations and directions/suggestions of the Commission have either remained under consideration or unimplemented.
17. Commission therefore prioritizes/reiterates the following recommendations for their immediate implementation:
  - (i) Government to issue directions to Public Authorities to file 'Action Taken Reports' on the recommendations/directions of the Commission within 3 months of the Annual Report being tabled on the floor of the State Legislature, to the Government as well as the Commission.
  - (ii) Preparation and publication of the proactive/ suo-moto disclosures by Public Authorities under section 4(1)(b) of the RTI Act including hosting them on their web-sites and their periodical updation should be the responsibility of the Heads of Department and Secretaries to the Government and failure to comply with these statutory requirements should result in initiation of departmental enquiries against them.
  - (iii) Department of Personnel and Administrative Training (Janaspandana) to ensure publication of proactive disclosures including the list of the Public Information Officers, Assistant Public Information Officers and First Appellate Authorities and also ensure that up-dating is undertaken earnestly by all the departments. The supervision of this work shall be entrusted to the Deputy Commissioners and Chief Executive Officers at District Level and to the Department of Personnel and Administrative Training at the State Level.
  - (iv) The Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pension (GoI) has launched an 'online certificate course' on RTI for various stake holders in association with Centre for Good Governance, Hyderabad. This e-learning module is helpful to the Public Information Officers, Assistant Public Information Officers, First Appellate Authorities, including the citizens and civil society organizations. Commission recommends that Government may provide some incentive to Government Officers/Officials, who pass this online certificate course.
  - (v) Government should also consider earlier recommendation of the Commission for rewarding the Public Information Officers who have



sincerely and promptly dealt with the requests for information filed under the RTI Act.

- (vi) The State Government has initiated steps to set up a Call Centre/Help Line – an IT based user friendly environment, which could assist the citizens in getting information from the Public Information Officers under Right to Information Act on the lines of the RTI Call Centre of Bihar called “Jankari”. This may be finalized and launched soon.
- (vii) Commission, keeping in view the recommendation of the Second Administrative Reform Commission in its 13th report in respect of the Good Governance and the Citizen Centric Administration, had suggested preparation of citizens’ charters by all the public authorities. Commission had also organized a Round Table Conference on 23-05-2009 under the chairmanship of the Chief Secretary and a consensus was reached in this Round Table Conference that the proactive disclosure required to be published by the Public Authorities under section 4(1)(b) of the Act and the citizens’ charter to be published by the Public Authorities are somewhat similar documents. Accordingly, the ATI, Mysore was entrusted with the task of preparing and publishing model 4(1)(b) notifications for 6 Departments using 17 templates provided under section 4 (1) (b) of the Act. Commission recommends that these model 4(1)(b) notifications be converted into citizens’ charters after consultations with the citizens and similar exercises be undertaken in respect of other departments. Commission reiterates this recommendation for urgent implementation.
- (viii) The High Level Committee has already taken a decision that the concerned officers/authorities shall dispose of the applications / first appeals as per sections 6(1), 7 and 19 of the Act within the prescribed time frame. In this regard, a decision was also taken that a separate column shall be inserted in the Annual Performance Reports of Officers (Assistant Public Information Officers, Public Information Officers and First Appellate Authorities) regarding their performance in implementing RTI Act. However, the relevant rules have not been amended so far to incorporate this provision. Government may ensure that this is done immediately for effective implementation of the Act.
- (ix) Sec 26(2) of RTI 2005, mandates that the appropriate Government shall within 18 months from the date of commencement of the Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right specified in this Act.
- (x) Though the Government is expected to publish the said guide within 120 days of the commencement of this Act, KIC took the initiative to get this guide translated into Kannada with the help of Translation Department and had handed it over to Government on 26-11-2010. In spite of this no action is taken by the Government to publish this document.
- (xi) The Commission feels it necessary to educate the masses about their right to invoke section 19(1) of the RTI Act.

#### **18. Non-Compliance of the Section 4 of the RTI Act:**



The concerned Public Authorities have not taken serious note of the RTI Act providing 120 days for compliance of the Section 4 of the RTI Act 2005, before the implementation of the other provisions of the Act. Even though as many as 6 years have gone by, most of them have not complied with this provision. As a result there has been a surge in the filing of complaints, before the State Information Commission on this one issue itself.

**19. Contempt of Court Act for effective implementation of the RTI Act:**

There is a need to have an amendment to the RTI Act **similar to the one in the Administrative Tribunal Act**, to invoke the provisions of the Contempt of Court Act for effective implementation of the RTI Act.

**20. Ambiguity in the Section 18(1) and 19(1) of RTI Act:**

The provision of Section 18 contemplates the powers of the Commission. The said powers include the receipt of complaints under the circumstances stated under clauses (a) to (f) of sub-section (1) of sec 18. The persons who do not receive a decision within the time specified under sub section (1) or clause (a) of sub-section (3) of section 7, or aggrieved by the decision of the PIO are also approaching the commission by way of complaints instead of preferring first appeal under section 19(1) of the RTI Act. It is significant to note that the aggrieved person has to file an appeal within 30 days where as, there is no limitation for the aggrieved person to approach the Commission by way of complaint u/s 18(1) of the RTI Act for the same relief. Therefore, there is a need to bring in a suitable amendment to remove the ambiguity and to clearly distinguish the circumstances under which complaints could be filed before the Commission u/s 18(1) and appeals are to be filed before the appellate authority u/s 19(1) of RTI Act in the light of the decision of the Supreme Court in CA No.10787-788/2011.

**21. To collect the postal charges:**

Necessary amendment may be brought to collect the postal charges from the applicants, as the initial fee of Rs. 10/- would not meet this requirement and as a result of this the State is subjected to heavy loss more particularly due to filing of applications in huge numbers seeking information. Similarly, even the Commissions are also incurring huge expenditure towards postage for issue of *notices and copies of orders of each hearing date including the final order*. Therefore, necessary amendment may be brought to the Act to enable the Commission to collect the said charges from the appellants/complaints.



**22. Setting aside the exparte orders:**

There is no power, similar to Section 22-A of Consumer Protection Act, for setting aside the exparte orders passed and therefore its necessity is being felt. An amendment may be brought incorporating the provision similar to Sec. 22-A of Consumer Protection Act.

**23. Review:**

There is no power for reviewing its own orders. Its necessity is also being felt. Steps may be taken to include a provision enabling the Commission to Review its order whenever necessary.

**24. Copy of the order:**

There is no provision in the Act to provide copy of the final order, free of costs to the parties. A provision may be made in this regard. It may be included that a fee of Rs. 20/- shall be paid for obtaining another certified copy. It may also be included that any person desiring to get a certified copy of any document on the file of the Commission may get the same on payment of Rs. 20/- per copy and if document of which certified copy is sought is over and above 5 pages an extra amount of Rs. 2/- per page shall be charged over and above the fee of Rs. 20/-.



## ANNEXURE

### IMPORTANT DECISIONS OF HON'BLE SUPREME COURT, HIGH COURTS, CENTRAL INFORMATION COMMISSION AND KARNATAKA INFORMATION COMMISSION

#### SUPREME COURT OF INDIA:

1) **A Society-not be a State-**

A Society which was registered under statute and not performing important State functions and not functioning under the pervasive control of the Government would not be a State for the purpose of Article-12 of the Constitution. (AIR 1975 SC-1329 SABHAJIT TEWARI V/S UNION OF INDIA)

2) **The bodies created under statute would be State.**

The bodies which were creatures of statute having important State functions and where State had pervasive control of activities of these bodies would be State for the purpose of Article-12. (AIR-1975 SC-1331:

SUKHDEV SINGH -v/s. BHAGATRAM SARDAR SINGH RAGHUVANSHI.)

#### **HON'BLE HIGH COURTS:**

3) **Section-20(1) of RTI Act.**

The Commissioner issued show cause notice to the Petitioner not once but twice, calling upon him to show cause as to why penalty as envisaged under section-20(1) should not be levied upon him, but he failed to submit his explanation and there had been delay of more than five months in providing the required information. The Commission imposed penalty of Rs.25,000/- upon the Petitioner.

The Hon'ble High Court held that the Commission has not committed any error of law or illegality for having imposed penalty on the Petitioners for dereliction of duty for not providing required necessary information. Keeping in view the unconditional apology tendered by the Petitioner Sri H.S.Sathish Babu and having regard to the facts and circumstances of the case and after accepting the unconditional apology tendered by him, further held that penalty imposed by the Commission in the impugned order on the Petitioner will not be a stigma for his future services and it will not come in the way for considering his case for promotion or any other benefits for which he is entitled under the relevant rules. The Petition filed by the Petitioner is dismissed. *(2010(2) ID-274 (Karnataka High Court) H.S.Sathish Babu, PIO v/s K.L.Srinivasan and others)*

4) **Information sought regarding Police Officials who were caught during raids along with amount --**





Information sought regarding Police Officials who were caught during raids along with amount recovered from such officials, about the details of Departmental action taken against each officials, prosecution launched against them under prevention of corruption Act, if they were reinstated in the service and the list of action taken by the Department to prevent corruption at Police Station/Branches/Wings in Chennai City. Such information cannot be excluded from the purview of public access. (2010(1) ID-453 (Madras High Court)SP, Directorate of Vigilance and anti corruption v/s. R.Karthikeyan and others. )

**5) The RTI Act- to promote transparency and accountability in the working of every Public Authority**

The RTI Act which has been enacted by the Parliament is with an object to provide for setting out the practical regime of Right to Information for citizens to secure access to information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority.( 2010(1)ID-475 (Allahabad High Court )Km. Dolly Jaiswal v/s State of UP and others

**6) Voluminous information-shortage of staff**

The objections that the Departments are maintaining a large number of documents in respect of 45 Departments and they are short of human resources, cannot be raised to whittle down the citizen's right to seek information. It is for them to write to the Government to provide for additional staff depending upon the volume of requests. that may be forthcoming pursuant to the RTI Act. It is purely an internal matter between the department and the Government. (2010(1)ID 235 – (Madras High Court)PIO, Deputy Commissioner of Archives and Historical Research v/s. SCIC and others. )

**7) “Public Authority”u/s2(h) of RTI Act.**

The BIAL is “substantially financed” and is “Public Authority” and a ‘State’ under Article-12 of the Constitution of India attracting the provisions of the RTI Act. The Courts have taken a view that institutions engaged in matters of high public interest and performing public functions have to be conceded as ‘State’ for enforcing fundamental rights as per article-12 of Constitution of India.( 2010 (2)ID-257 –( Karnataka High Court) Bangalore International Airport Limited v/s Karnataka Information Commission and others.)

**8) Section 8 (1) (e) and (h) of RTI Act:**

After evaluation of the answer scripts and publication of the results neither the Public Authority nor the Examiner is in a position to exercise any discretion or power on the paper, except perhaps to keep





the identity of the Examiner confidential, which the Public Authority is free to do and in supplying copy of the answer paper that confidence is not breached.

In the larger interest to ensure transparency in the method of valuation of every public examination and to satisfy every candidate who appeared in the examination that his answer script has been valued properly, non-disclosure of information would be against the spirit of the Act. Without the candidate knowing how his answers have been evaluated, he would not be able to seek his remedies against wrong evaluation appropriately, if the valuation is wrong. (The Hon'ble High Court referred the decisions Viz., AIR 1975 SC 865, 1981 (Supp.), SCC 87 (Para 65), 2010(3) KLT-501, (2005) 1 SCC 212, (1981) 3 SCC 333(1994) 6 SCC 68, AIR 2009 Calcutta 97, 2007(3) KLT – 550, (2007) 6 SCC 120 : AIR.SCW.4609 (1984) 4 SCC 27(2007) 1 SCC 603, (2007) 8 SCC 242, Etc. (2011 (1) ID-172 (Kerala High Court) *Treesha Irish –v/s.- CPIO, KPSC and others.*)

9) **Section – 20 of the RTI Act:**

As to the delay, the Writ Petitioner had given her explanation to the Chief Information Commissioner regarding the fact that she was not in possession of the entire record and it had to be taken from the Directorate. However, the Chief Information Commissioner preferred not to accept the explanation and directed that Departmental Enquiry shall be initiated against the Petitioner and also imposed fine of Rs.5,000/-. After going through the record, considering the submission, the High Court is of the view that it is not necessary for the CIC to impose fine and recommend departmental proceedings in each and every case against the PIO, merely on the ground that there had been some delay in supplying the information. The explanation given by the said Officer could not be said to be false. The practical difficulties insupplying the information at a late stage have been brought on record and set aside the order. (2011 (1) ID-99 (Uttaranchal High Court)

10) **Right to Information Act Section-18(1)(e)**

Till the result of the examination is declared, the information sought by the Petitioner has to be treated as confidential, but once the result is declared the information cannot be treated as confidential. (2011 (1) ID-344, (Mumbai High Court) SHAUNAK.H SAITYA v.s THE UNION OF INDIA AND OTHERS).

11) **The impugned order is legal and justified - the Authority has taken lenient view**

As could be seen from the impugned order a show cause notice came to be issued to the Petitioner by the SIC, Karnataka Information



Commission since the petitioner did not furnish the requisite information to the Respondent, Sri Umeshaiah. The Show-cause notice issued required the Petitioner to show cause as to why the penalty of Rs.25,000/- should not be imposed on the Petitioner. In spite of notice issued by the SIC, the petitioner did not care to furnish the requisite information and also failed to show cause to the notice. Even on the date of hearing the Petitioner remained absent. Ultimately based on the factual situation the SIC imposed penalty of Rs.10,000/- exercising jurisdiction under Section 20(1) of the RTI Act. This Court does not find any error in as much as it is just and proper under the facts and circumstances of the case prior to passing of the impugned order, a show cause notice was issued to the Petitioner. Admittedly no information was furnished by the Petitioner. He did not even care to furnish/file the Statement of Objections to the show cause notice. He remained absent during the course of hearing. Consequently, he did not substantiate his case.

---Under such circumstances the impugned order came to be passed. The requisite information is furnished by the Petitioner only on 15-12-2009 i.e., after passing of the impugned order. Since the impugned order is legal and justified under the facts and circumstances of the case, the same cannot be interfered with. As a matter of fact the Authority has taken lenient view by imposing only Rs.10,000/- as against Rs.25,000/-. (*Hon'ble High Court of Karnataka in Writ Petition No.205 of 2010 dd.09-11-2010 – D.NAGARAJ, TAHSILDAR, MAGADI V/S SPIO, LOKAYUKTHA AND ANOTHER*)

12) The information sought was totally unrelated to him, as it was in respect of each and every aspects of functioning of the Commission–KIC directed the Petitioner to furnish information to the Petitioner held no error in the order of the KIC.

The First Respondent an employee of the Petitioner who was compulsorily retired from service on the basis of Lokayuktha Enquiry Report submitted nearly 80 applications seeking information. According to KPSC the information sought was totally unrelated to him, as it was in respect of each and every aspects of functioning of the Commission – The 1<sup>ST</sup> Respondent was blacklisted and refused to give information – Appeal filed before the KIC – KIC directed the Petitioner to furnish information to the Petitioner – challenged the said order before the High Court in the WP. High Court held no error in the order of the KIC. It is not in dispute that the information sought for by the 1<sup>st</sup> Respondent from the Petitioner does not fall within the exemption contemplated under Section 8 of the Act. It is obligatory on the part of the Petitioner to furnish information to the 1<sup>ST</sup> Respondent in accordance with law. *Merely because the 1<sup>ST</sup> Respondent has made repeated applications seeking information, he cannot be avoided by*



*blacklisting him. Such a procedure is erroneous. In view of the same the 2<sup>nd</sup> Respondent, KIC has rightly directed the Petitioner to furnish information to the 1<sup>st</sup> Respondent. (Writ Petitions Nos. 20643-645/2010 – DD:06-08-2010 – High Court of Karnataka: - KPSC v/s. B.S.SURESH JAIN AND KIC)*

**13) Discretion given to the Information Commissioner to impose penalty**

Under Section 20(1) of RTI Act a discretion has been given to the Information Commissioner to impose penalty and having exercised this discretionary relief and said Information Commissioner has admonished the Respondent Tahsildar without imposing any fine. The exercise of such discretion cannot be found fault with.

If at all the Petitioner was required to answer any enquiry in the Departmental Enquiry, his remedy was elsewhere and having invoked the provisions of the RTI Act 2005 and having obtained the requisite information as provided by the respective officers, has approached this Court yet once again after failing in his appeals before two authorities contending that on account of delay the Officers who caused such delay in furnishing information ought to have been imposed with penalty as contemplated under Section 20(1) of the Act. This goes to show the recalcitrant attitude adopted by the Petitioner which cannot be brushed aside and by deprecating such attitude and imposing cost of Rs.3,000/- this Writ Petition is dismissed. (WP – 65430 OF 2010 . DD. 20-01-2011-High Court of Karnataka ).DATTATHREYA ANANTHA HEGDE v/s. KIC AND TWO OTHERS)

- 14) RTI Act, 2005 Section – 3 – Right to Information Act is essentially a fundamental right guaranteed by the Constitution of India. The Right of a Candidate to get copies of Answer Papers under the Right to Information Act is a fundamental Right.

**RTI Act, 2005 Section 8(1)(e) and 8(1)(j):**

There is no fiduciary relationship between the Public Authority and the Examiner except for protecting the identity of the Examiner, which is severable under Section-10. The Public Authority cannot refuse to give copy of the valued answer sheet to the Candidate either on the said ground or on the ground of personal information (ref. (1)AIR 1975 SC 865; 1981 (SUPP.) SCC 87; (1984) 4 SCC 27; (2007) 1 SCC 603; (2007) 8 SCC-242; AIR 2009 Calcutta-97 and 2007 (3) KLT-550. WP (C) NO.6532 OF 2006 – DD. 30-08-2010 TREESA IRISH v/s CPIO AND OTHERS)

- 15) Right to Information Act, 2005 Section 4(1)-suo motu disclosures



Implementation of Section 4(1) of the Act is mandate of law and it is to be done by all the public authorities concerned. The importance of suo motu disclosures under Section 4(1) can hardly be over emphasised as maximisation of such disclosures would result in minimisation of recourse to the provisions of Section 6(1) of the Act thereby save valuable time and energy resources of the stake holders from time to time. In exercise of the powers conferred under section 19(8)(a) of the Act, the Commission requires the Public Authorities to inter-alia take steps in this regard for dissemination of every information required to be disclosed suo motu in such form and manner which is accessible to the public.

The Public Authorities can provide information to the public at large only when it is properly maintained. (2010 (1) ID 95(CIC, DELHI) *Permindar Kaur and others v/s. Vigilance Department, Chandigarh and others*)

16) Section 6(1) of RTI Act- pendency of a dispute before another Court

Pendency of a dispute before another Court or Tribunal cannot be enough reason to deny information to the Citizen.

(2010(1) ID.110,( CIC, DELHI) *Srinivasa Vinayaka Joshi -vs. - Bank of Maharashtra.*)

17) Annual confidential reports:

Supreme Court has stated that the communication of entries, to a public servant must enable him to make a representation against entry, to the concerned authority. Mere communication of an assigned grade will naturally not enable him to exercise his right of making representation in an effective manner. Supreme Court further held that all this would be conducive to fairness and transparency in public administration and would result in fairness to the public servants.

One cannot seek an ACR of someone else as a matter of right. Such disclosure is permissible only when the large public interest so warrants. (2010 (1) ID-217(CIC)

*P.K. Sarin v/s. Directorate General of Works, CPWD.*)

18) **Section 19(1) and Section 20 of the Act**

Information was sought in respect of all encroachments and illegal constructions in the area. The PIO did not answer and consequently Sri Rakesh Agarwal approached the First Appellate Authority and obtained an order but the PIO did not comply with the orders and the information requested had not been furnished. On facts, it is held that this is a case of malafide denial of

information by PIO. Since it is the responsibility of the First Appellate Authority to ensure that the orders passed by it are duly complied with by the PIO, the Commission, therefore, has decided to remand the case to appellate **authority to ensure that its orders under Section 19(1) are duly complied with and the requested information furnished in terms of the order** so passed and if the compliance is not ensured within 15 days from the date of receipt of this order, the First Appellate Authority should approach the Commission for initiating the proceedings under Section 20 of the act for imposition of penalty/ or recommending appropriate disciplinary action. This will be without prejudice to the right of the First Appellate Authority to initiate other penal action under the Indian Penal Code against the PIO for wilful violation of lawful orders promulgated by a public servant while exercising statutory powers. (2010(1) ID-208(CIC) *Rakesh Agarwal v/s New Delhi Corporation.*)

19) Section-4, 4(1) (c), 18(1), 25(3)(g) and 25(5) of Right to Information Act:

Section 4(1)(c) mandates proactive disclosure of proposed laws/policies and amendments thereto or existing laws/policies to make citizen to debate in an informal manner and provide useful feedback to the Government which may be taken into account before finalising such laws/policies. Any omission to disclose the information suo motu, the very purpose of sec.4(1) of the Act stands defeated. The Commission under the powers vested in it vide Section 25(3) and 25(4) of the Act can direct the concerned to develop a credible mechanism in all departments for proactive and timely disclosure of draft legislations/policies and amendments thereto to the existing laws/policies in the public domain, as required under Section 4(1)(c) of the Act during the process of their formulation and before finalisation. (2011 (1) ID-8 (CIC, Delhi).

20) RTI Act Section-20

When an ex or present employees of a Public Authority, for the purpose of their own file a huge number of Petitions relating to information held at multiple points, delay inevitably results as processing a stream of applications with multiple queries need longer time than provided under the Act. Therefore, that the delays which occurred and no penalty proceeding in relation thereto need to be drawn up the complaints closed. (2011(1).ID.86 (CIC, Delhi) UMAPATHY V/S. SBI, BANGALORE

21) Right to Information Act, Section-20 AND 19(8)(a)(ii)





Inspection of the gist of files clearly indicated that information as was contained in eight volumes of top secret data indeed related to sensitive internal and international issues. The Respondent had elaborated and given detailed breakup of the limited staff strength which was also not available in full strength, as indirect factors leading to excess workload resulting such delay. It was evident from the explanation provided by the Respondent that the delay of 16 days could not be attributed to him but to the defective working of the system. The explanation was accepted. There would be no penalty. (2011(1) ID-201 (CIC, Delhi) Kuldieep Nair v/s. Ministry of External Affairs:

22) Right to Information Act, Section-8(1)(i)

Marks obtained in a public examination of successful candidates cannot be deemed to be private information and cannot be held in confidence for a third party. 2011(1) ID-441(CIC, Delhi) *KAMDEV PASWAN V/S STAFF SELECTION COMMISSION, DoPT.*

23) Section 6(1) and 7(1) of the RTI Act

The complainant's request submitted to the CPIO of SCI seeking information regarding the action taken on complaints submitted to the Chief Justice and Secretary General of SCI together with circulars of the Court, had not been responded to, even though the same was duly submitted along with the requisite fee. As per comments by the CPIO, SCI the application had been responded to well within the time mandated by law. On facts, the complaint of failure to respond to the complainant's request was dismissed. The complainant was advised that should he find the response incomplete, to approach the First Appellate Authority of SCI under Section 19(1) and if not satisfied with information provided on his first appeal in consequence, he shall be free to file second appeal before the CIC under Section 19(3) of the Act. (2010 (2)ID.496 (CIC, Delhi) *Dr.Lalbahadlur v/s supreme Court of India*)

24) The applicant sought information in four paragraphs:

- (1) Whether RTI Act, 2005 is applicable to private unaided schools, educational institutions owned and managed by public trust/s in the light of the Right to Children to Free and Compulsory Education Act, 2009, being applicable to them? If not, why not?
- (2) Whether the applicability also applied to the sister concerns/ subsidiaries owned and managed by the Public Trust. If no, why not?
- (3) Whether decision number 5607/IC (A) 2010 OF Honlble Commission over rules previous High Court Judgments bringing



all private unaided schools/educational institutions and the Public Trust owning them under the ambit of the RTI Act, 2005?

(4) Whether recent High Court judgments overrule previous judgments in the matter?

In response to the above, the CPI informed with respect to Paragraphs 1 and 2 asking the Appellant to go through the RTI Act 2005 and with regard to Paras 3 and 4 he was informed that it was legal question and appellant had to seek legal opinion.

In the appeal the commission held that the information sought for by the appellant was not furnishable by the CPIO, as, such matters can only be adjudicated by the Commissions in the decisions given in various appeals and complaints. The CPIO is not competent or supposed to interpret various provisions of the law. Appeal dismissed. (CIC/AA/A/2011/386 CICCJPIO/2011/876 - DD.25-08-2011)

**25) Sections-18(1), 19(1) and 19(3) of the RTI Act:**

The complainant has not availed the First Appellate channel under Section-19(1) of the RTI Act. In order to avoid multiple proceedings in appeal and complaint, the Complainant is advised to file First Appeal against the decision of PIO before the First Appellate Authority under Section-19(1) of the RTI Act and in case the complainant is not satisfied with the decision of the First Appellate Authority she is at liberty to file Second Appeal afresh before the Commission under Section-19(3) along with complaint under Section-18 if any within the prescribed time limit (CIC/AT/C/2010/1361/SS-DD.25-02-2011-CIC)

**26) The Applicant asked the following details of 26 companies:**

- PAN Number
- Date of allotment of PAN Number
- TAN Number
- Date of allotment of TAN Number

The decision of Commission:

PAN is a statutory number which functions as a unique identification for each taxpayers. Making PAN public can result in misuse of this information by other persons to quote wrong PAN while entering into financial transactions and also could compromise the privacy of the personal financial transactions linked with PAN. This also holds true for TAN. Information relating to PAN and TAN, including the date of issue of these numbers, are composite and confidential in nature, under Section-138 (A) of the Income Tax Act. The appellant has not



made out a case of bonafide public interest for disclosure of PAN/TAN Numbers of 26 Companies and grounds of submissions of their application for above purposes of filing of tax returns. Appeal dismissed. (*APPEAL 05/IC9A/CIC/2006 dd:03-03-2006 ARUN VERMA –VS- DG OF INCOME TAX (SYSTEMS), NEW DELHI*)

**27) Section 6, 6(3), 18(1)(d), 18(1)(e), 27(1)(a) and (b) of RTI Act and Sections 2(e)(iii) of Supreme Court Rules:**

Applicant sought attested/certified copies of judgment and order passed by the Hon'ble Supreme Court. Procedure for obtaining certified copies of judgments of the Apex Court are laid down in the Supreme Court Rules, 1966. These rules are consistent with the RTI Act and, therefore, not over-riding by section-22 of the RTI Act. Under the circumstances and as prescribed under Section 6(1) of the RTI Act, application seeking such copies is to be made before the CPIO of Supreme Court. In such a case, however, the fees paid in making the application to an Authority other than the Supreme Court cannot be taken as application fee since the rules for application fee in the Supreme Court are different. The RTI Act cannot be used to circumvent the rules made in this regard by the Supreme Court, in the case of which the Chief Justice of India is the competent authority under Section 2(e)(2) to make rules regarding fees payable as per Section 28(2) sub-sections (i), (ii) and (iii) and the Chief Justice of High Court in the case of High Court under Section 2(e)(iii). The PIO has fulfilled his responsibility by informing the appellant Sri Mahabir Singh on the need to obtain certain copies of the Judgment of the Hon'ble Supreme Court from that Court. The Appellant, Mahabir Singh should then have made his application direct to the CPIO of the SCI instead of which he has taken recourse to appeals under the RTI Act. (*2009(2)ID-487, (CIC, Delhi) MAHABIR SINGH V/S MUNICIPAL CORPORATION OF DELHI (MCD), WEST ZONE*):

**28. Contempt petition is not maintainable:**

In view of the powers conferred upon the Commission under Section-20 of the RTI Act the Complainant has to seek relief there under and consequently this contempt petition is not maintainable. (*CCC.525 of 2008 (CIVIL) High Court of Karnataka G.Basavaraju v/s Arundathi and another.*)

**29. Society's Registration Act 1960 is applicable to all Societies under the control of the Government only to regulate their Activities and to see that they shall not misuse funds of their members.**





The provisions of the Society's Registration Act 1960 is applicable to all Societies under the control of the Government only to regulate their Activities and to see that they shall not misuse funds of their members. Therefore, such Association cannot be treated as a Public Authority as contended by the Petitioner. (W.P.No.2928 OF 2008 – Karnataka High Court S.S..Angadi v/s The Scic and Another.)

30) Section 8(1)(j) - assets and liabilities – if information could be furnished:

Clause (j) of Section – 8 deals with information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless CPIO or SPIO or the Appellate Authority as the case may be is satisfied that the larger public interest justifies the disclosure of such information, provided that information which cannot be denied to the Parliament or State Legislature shall not be denied to any person.

Every public servant has to disclose all his assets and members of his family. In fact the said disclosure has been made by the Petitioner in the usual course. The particulars sought for are with reference to the said particulars which he has already disclosed. Therefore, as is clear from clause (j) of Section-8, such information is not exempted. Therefore, the Authorities were justified in passing the impugned order (Writ Petition No 7953 Of 2007 Dd.16-07-2008 SRI H.RAMAKRISHNA GOWDA v/s THE KIC AND ANOTHER)

*Note: The Petitioner has challenged this order in Writ Appeal 1634 of 2009 and the matter is pending before the Hon'ble High Court.*

31) Section 2(f) of the RTI Act – Assets and Liabilities - if could be furnished

The object of the Act is to provide Right to Information for citizens to secure access to information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority. In view of the above provisions excerpted it cannot be said that Section 2(f) of the Act encompasses the personal information of the Officials of the Public Authority. The intention of the legislation is to provide Right to Information to a Citizen pertaining to Public Affairs of the Public Authority. Therefore, the Respondent No.3 had no right under the Act to seek personal information of the Petitioner. The Respondent-2/ Appellate Authority has erred in directing the



Petitioner to furnish information as sought for by the Respondent-3. As the Respondents' application is vexatious and it is an attempt made to settle scores with the Petitioner, it is a fit case to impose heavy costs in favour of the Petitioner and against the Respondent-3. Writ Petition is allowed with cost of Rs.10,000/- in favour of the Petitioner and against the Respondent-3. The impugned order dated 30-06-2006 is quashed. (*Writ Petition No. 10663/2006 – DD. 01-07-2008*)  
(H.E.RAJASHEKARAPPA v/s. PIO).

**32. Cabinet Papers:**

The “material” connected with the Council of Ministers’ decision shall be disclosed but the deliberations of the Officers, Secretaries, etc. shall not be disclosed unless they answer affirmatively to the query “Are these materials connected with a cabinet decision?” The other interpretation is that this sub-section i.e., 8(1) and the provisos deal only with the decisions of the Council of Ministers, Cabinet Papers and all official deliberations connected with the decisions of the Council of Ministers. Therefore, this sub-section cannot be invoked for exemption of official deliberations unconnected with cabinet papers or the decisions of the Council of Ministers.  
(CIC/AT/A/2006/145- SMT.GITA DIWAN VERMA v/s I.B.KARN, CPIO, DIRECTOR, MINISTRY OF HOME AFFAIRS AND Dr. K.S.SUGATHAN, APPELLATE AUTHORITY, JOINT SECRETARY, MINISTRY OF HOME AFFAIRS AND DASHARATHI v/s FOOD AND CIVIL SUPPLIES DEPARTMENT, DELHI.)

**33. CABINET PAPERS:**

The Act is clear on the issue of disclosure of cabinet papers, which states that the material on the basis of which the decision was taken shall be made public after the decision has been taken, and the matter is complete or over. (ANILKUMAR v/s DEPARTMENT OF PERSONNEL AND TRAINING, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, CIC/MA/A/2006/53)

**34. MEDICAL REPORT AND BIO-DATA – SECTION – 8(1):**

As far as Medical Reports are concerned, they are purely personal to the individuals and furnishing of copies of Medical Reports would amount invasion of privacy of the individuals and need not be furnished.

When a candidate submits his application for appointment to a post under a Public Authority the same becomes a public document and the said candidate cannot object to the disclosure on the ground of invasion of his privacy (BHAGWAN CHAND



SAXENA v/s EXPORT INSPECTION COUNCIL OF INDIA, MINISTRY OF COMMERCE, ICPB/A-9/CIC/2006)

**35. EXEMPTIONS NOT APPLICABLE – SECTION 8(1):**

Even if the information sought is exempted in terms of sub-section(1) of Section 8, but the same relates to a period of 20 years prior to the date of application, then the same shall be provided to an applicant, if the same is available with the concerned Public Authority. (S.R.PERSHAD v/s DIRECTORATE GENERAL OF SUPPLIES AND DISPOSALS: 37/ICPB/2006 (CIC).)

**36. Section 6(1) makes it mandatory on part of the citizen to submit an application under the RTI Act 2005 before the concerned CPIO and not before any other CPIO**

Name of the Appellant: Shri Omprakash Kashiram, 3/16, Amol Apartment, Waldhuni Kalyan – 421 301

In the present case the appellant very well knew that the information sought would not be held by the Central Information Commission, still he sought information from CPIO, CIC. In this context, I would like to refer to the provisions of section 6(1) of the RTI Act which mandates a citizen to make request in writing or through electronic means, accompanied by prescribed fee to the CPIO specifying the particulars of information sought by him. Therefore, section 6(1) makes it mandatory on part of the citizen to submit an application under the RTI Act 2005 before the concerned CPIO and not before any other CPIO.

(CIC/CPIO/2011/1018)

**37. File notings of a file can be provided if they are on record in any material form**

It would be relevant to refer to section 2(f) and 2(j) of the RTI Act, 2005, which define 'Information' and 'Right to information'. File notings of a file can be provided if they are on record in any material form. In the present case, there are no file notings related to letter dated 18th April 2010 concerning the file referred to above. However, the appellant is free to inspect the file, if he desires, at date and time convenient to both the parties.

(CIC/AA/A/2011/380 Dated: 24th August, 2011  
CIC/CPIO/2011/715 Name of Faizlka)

**38. The applicant cannot seek information in the form of legal opinion**

In the RTI application, in query (a), the appellant had requested for procedure for trial against the false information provided by CPIO. Query (b) was to know as to what is the extent of punishment?



In response to this, the CPIO informed about the procedure for seeking information under section 6 (1) of the RTI act and about section 18 and 19 of the RTI Act, which deal with appeals and complaints that can be filed before the Commission, against a public authority. Aggrieved by the response, the appellant has stated that CPIO has misunderstood the matter and provided irrelevant information. The appellant has once again requested for providing information as per request.

So far as query (a) is concerned, the appellant has been provided the procedure for filing appeals and complaints before the Commission. The information sought by the appellant is not very clear and is more in the nature of legal opinion, which the CPIO is not competent to provide. Para (b) is on extent of punishment. Here also what the appellant is seeking is legal opinion. However, the appellant is informed that section 20 of the RTI Act deals with penalties, which he may like to refer to. (CIC/AA/A/2011/379 dated: 24th August, 2011 CIC/CPIO/2011/944 Name of the Appellant: Er. Nalin Tayal SCO 1,2,3-B, Swami Vivekanand Vridhashram Market B-Block, Model Town Extension)

**39. SUBJUDICE MATTERS:**

Neither the CPIO nor the Appellate Authority have mentioned any specific provision of the Act under which information sought regarding subjudice matter cannot be furnished. Therefore, it is not clear as to under what specific provision of the Act, the information sought is denied. As such information sought has been unjustifiably denied. (EASHWAR SINGH SHARMA v/s CPWD CIC/WB/A/2008/154/LS(CIC))

**40. ENGAGEMENT OF COUNSEL SECTION 8(1)(d):**

When a Counsel is engaged, the doctrine of legal professional privilege comes into existence, automatically creating a fiduciary relationship between the client and the advocate. In other words, the doctrine of legal professional privilege is sacred and as such any information given by the Client and received from the Counsel need not be disclosed. (MAJOR J.S.KOHLIL (RETD.) v/s. TRAI 941/ICPB/2006)

**41. CONTRACT ON COMPLETION DONOT REMAIN CONFIDENTIAL – SECTION 8(1)(d)**

RAMESHCHAND SAI v/s. NISCAIR (CIC/WB/C/2006/176)

A contract with Public Authority cannot be categorised as confidential after completion. Even if such confidentiality is involved public interest is a matter of the nature of the present case will warrant disclosure.

42. Corrupt officers names to be disclosed – Section 8(1)(g),(h)and (i):

Firstly if charges have been investigated and found to have been substantiated leading to asking for a sanction for prosecution, this information cannot be considered as relating to the privacy of an individual. Acts of Public Servants where there is a reasonable ground to believe wrong doing cannot be a private matter of a Public Servant. It has been well accepted that the charges against Public Servants must also be disclosed to the people. It has also been held that members of Parliament and other representative bodies must themselves declare charges against themselves on oath, even when they stand for an election. Given this background, a claim that disclosing names of those against whom sanction for prosecution has been sought is an invasion of privacy and has no public interest, is completely erroneous. In any case, as soon as prosecution is launched the names and identities of those being prosecuted would be in a public domain. Therefore, as there is no difference in the status of the accused before the prosecution is launched in both cases is just that and innocent till proved guilty. There is no reason to think that revealing the names before prosecution was launched would be considered an “invasion of the privacy” but not so after prosecution is initiated. SHRUTI SINGH CHAWHAN v/s ASSISTANT DIRECTOR (VIGILANCE), DIRECTORATE OF VIGILANCE, GNCTD, DELHI (CIC/WB/A/2007/840/ SG/44 APPEAL NO. CIC/WP/A/2007/840)

43. VIGILANCE RELATED INFORMATION – SECTION 8(1)(h)- Information assumes the characteristics of investigation – confidential.

The vigilance related information being confidential in their very nature need not be disclosed. Lest, it impeded the extent of proceedings. Since such proceedings assume the characteristics of an “investigation”, it attracts Section 8(1)(h) of the Act. R.K.SINGH v/s. D.G.VIGILANCE, CUSTOMS AND CENTRALEXCISE (CIC/AT/A/2008/222 DD.30-06-2008 V.K.GULATI v/s. D.G.VIGILANCE, CUSTOMS AND CENTRALEXCISE (CIC/AT/A/2007/1508(CIC)

44. DISCIPLINARY PROCEEDINGS GOING ON- INFORMATION RIGHTLY REFUSED – SECTION 8(1)(h):

The applicant delinquent would surely get every opportunity to defend himself, including the access to the relevant documents that forms the basis for initiating disciplinary action against him. Disclosure of relevant documents is not in public interest as it





pertains to corrupt practices in Government Departments.  
(TAPANKUMAR v/s DEPARTMENT OF POSTS (CIC/PB/A/2007/102/CIC))

45.

**KIC.2377.PTN.2011**

KARNATAKA INFORMATION COMMISSION

(Sri. B.A.Umesh Vs. PIO, District Sessions Court, Kolar)

**ORDER**

1. Petitioner sought information on the following:

“ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು ಸಿ.ಜಿ.ಎಂ. ನ್ಯಾಯಾಲಯ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ (ಸಿ.ಸಿ.ನಂಬರು 180/99 ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರೂರಲ್ ಮೋಲೆಸ್ ಸ್ಟೇಷನ್) ಇವರು ವಿಚಾರಣೆ ಮಾಡಿದ್ದು ಈ ಪ್ರಕರಣ “ಎ-ಒ-ಜೆಡ್” ದೃಢೀಕೃತ ನಕಲು ಪ್ರತಿಗಳು ಹಾಗೂ (1) ಎಫ್.ಐ.ಆರ್. ಕಂಪ್ಲೇಂಟ್, (2) ಕೇಸ್ ಆರ್ಡರ್ ಶೀಟ್ (3) ಚಾರ್ಜ್ ಶೀಟ್ (4) ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು (5) ಮೋಲೆಸರ್ ಮುಂದೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳ ಪೇಪರ್ಸ್ (6) ಪಂಚನಾಮೆ ಪೇಪರ್ಸ್ (7)ಪಿ.ಎಸ್. ಪೇಪರ್ಸ್ (8) ಕೇಸ್ ಡೈರಿ ಪೇಪರ್ಸ್ (9) ಆರೋಪಿಯ ಕೋರ್ಟ್ ಒಳಗಿನ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಪೇಪರ್ಸ್ (10) ಈ ಪ್ರಕರಣದಲ್ಲಿ ಆರೋಪಿಗೆ ಬೇಲ್ ಆರ್ಡರ್ ಕಾಪಿ, ಶುರಿಟಿ ಕಾಪಿ (11) ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಾಜರುಪಡಿಸಿದಾಗ ಆರೋಪಿ ಕೊಟ್ಟ ಹೇಳಿಕೆ ಪೇಪರ್ಸ್ (12)ತೀರ್ಪು ಕಾಪಿ ಇವುಗಳನ್ನು ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ ಒದಗಿಸಲು ಕೋರಿ”

2. Since no information was provided, the petitioner filed complaint to the Commission under section 18(1) of the Act on 26.4.2011. In the letter dated 10.5.2011 addressed to the Commission, Sri.R.Chowdappa, PIO and Chief Administrative Officer, District and Sessions Court, Kolar has stated that he has not received RTI application. He has also stated that this information cannot be supplied by him in view of the decision of the Hon'ble High Court of Karnataka as reported in ILR/2009 Kar. Page 3890 in the case of SPIO andDeputy Registrar of High Court of Karnataka Vs N.Anbarasan. The PIO has stated further that Xerox copy of the document can be provided only if the petitioner applies in the format prescribed by the Hon'ble High Court.

3. As both the parties remained absent, Commission proceeded ahead to pass orders on merits. The following points have arisen for consideration of Commission:

- whether the petitioner is entitled to the information as requested in his application, from the respondent?
- whether provisions of the Right to Information Act could be revoked for obtaining information relating to the judicial proceedings disposed off or pending as the case may be, on the file of Senior Civil Judge and CJM Court, Chickballapur?
- for what order?

**REASONS**

- The question is whether the provisions of the RTI Act or High Court Rules could be invoked by the citizens for obtaining copies of the documents relating to judicial proceedings? As per section 22 of RTI Act, the provisions of the said Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, which means the provisions of this Act shall have the effect even in such of those cases where there have been inconsistencies. If there would be no any inconsistency then the provisions of this Act could be

applied without any impediment. If there is inconsistency then also in spite of the said inconsistency the provisions of this Act could be invoked by the citizens for obtaining information, provided if the said information is not exempted under section 8(1) of the Act. On careful perusal of the High Court Rules and also the provisions of Right to Information Act, absolutely there has been no any inconsistency and therefore, the citizens could approach the Hon'ble High Court of Karnataka either under the provisions of the High Court Rules or under the provisions of the Right to Information Act and obtain certified copies of the judicial proceedings, etc.

2. In fact, the Hon'ble High Court of Karnataka recognising the applicability of the provisions of the RTI Act, has framed Rules called 'Right to Information (Regulation of fee and cost) Rules, 2005' exercising powers conferred by section 28 of the Right to Information Act, 2005 for the purpose of charging fee for issuing copies. So far as charging of fee is concerned the Hon'ble High Court of Karnataka has fixed the fee as per rules 4 & 5 therein. In fact, there has been no any mention in the said rules that whoever approaches the Hon'ble High Court seeking information or copies of the documents in respect of judicial proceedings which are either disposed of or pending should invoke only the High Court Rules and not the provisions of the RTI Act. It is also significant to note that the Hon'ble High Court of Karnataka has also issued notification exercising powers conferred under section 4(b) of the Right to Information Act and appointed Sri H.M.Mulagund, the Deputy Registrar as the State Public Information Officer of the Hon'ble High Court of Karnataka. Further the rules of Hon'ble High Court do not reflect that no application under section 6 (1) of the RTI Act could be received from the citizens and only the applications as per the provisions of the Karnataka High Court Rules shall be received and the said applications only shall be considered for furnishing of the information or copies of the documents.
3. In fact, as per the provisions of the High Court Rules, if any third party desires to obtain copies of the documents relating to the judicial proceedings both pending and disposed of as the case may be, he shall submit the application along with an affidavit assigning the reasons and the Registrar General may grant or reject the said request depending upon the reasons, the purpose etc. disclosed by the applicant or citizen. Whereas, as per the RTI Act, any citizen can seek information or copies of the documents, without assigning the reasons. So, even a third party who is not a party to the proceedings could approach the Hon'ble High Court of Karnataka and make a request under the provisions of the RTI Act without assigning reasons and the Hon'ble High Court would have to grant the said request.
4. In fact, the Hon'ble High Court of Karnataka while deciding the Writ Petition No. 9418 of 2008 in the case of *SPIO & DR.(EST.), THE HIGH COURT OF KARNATAKA v/s. ANBARASAN* reported in ILR 2009 Karnataka 3890 has observed as follows:
5. *"The information as sought for by the respondent in respect of items nos.1. 3 and 4 are available in the Karnataka High Court Act and Rules*

*made there under and the said Act and Rules are available in the market. If not available the respondent has to obtain copies of the same from the publishers, it is not open for the respondent to ask for copies of the same from the petitioner. But strangely the Karnataka Information Commission has directed the petitioner to furnish the copies of the Karnataka High Court Act and Rules free of cost under the Right to Information Act. The impugned order is in respect of the same is illegal and arbitrary.”*

6. In this case, on perusal of the request of the petitioner it is reflecting to note that *he has not sought for any information about the Act and Rules of the High Court of Karnataka and, therefore, the said observation is not applicable to cases on hand.*
7. The Hon'ble High Court has further observed in the order passed in WP No. 9418 of 2008 i.e., the aforesaid case as follows:
8. *“The information in respect of item Nos. 6 to 17 is in respect to writ petition No. 26657 of 2004 and writ petition No. 17935 of 2006. The respondent is a party to the said proceedings. Thus according to the rules of the High Court, it is open for the respondent to file an application for certified copies of the order sheet or the relevant documents for obtaining the same (See chapter 17 of Karnataka High Court Rules 1959). As it is open for the respondent to obtain certified copies of the order sheet pending as well as disposed of matters, the State Information Commissioner is not justified in directing the petitioner to furnish copies of the same free of cost. If the order of the State Information Commissioner is to be implemented, then it will lead to illegal demands. Under the rules any person who is a party or not to the proceedings can obtain the orders of the High Court as per the procedure prescribed in the rules mentioned supra. The State Chief Information Commissioner has passed the order without applying his mind to the relevant rules of the High Court. The State Chief Information Commissioner should have adverted to the High Court Rules before proceeding further. Since the impugned order is illegal and arbitrary the same is liable to be quashed. Accordingly, the following order is made: The impugned order dated 14-05-2008, vide Annexure G passed by the Karnataka Information Commission is quashed. Writ Petition is allowed accordingly.”*
9. On careful perusal of the aforesaid observations it is reflecting to note that the Hon'ble High Court of Karnataka has observed that the respondent therein viz., Sri Anbarasan was party to the proceedings and therefore he could have applied under provisions of the Karnataka High Court Rules for obtaining the certified copies of the documents and in the said context the Hon'ble High Court appears to have made the observations accordingly.
10. In this case, the petitioner herein is not a party to the proceedings before the Hon'ble High Court, relating to which copies of the documents are sought for. The facts involved in writ petition No. 9418/08 are quite different from the facts involved in this case and the observations in the reported case are different and therefore not helpful to the respondent. The said decision is not applicable to the case in any manner as the





said decision is rendered with a specific reference to the provisions of the High Court Rules and the said Rules are applicable to the Hon'ble High Court only and not to the subordinate courts.

11. This is the right vested in the citizens in addition to the rights available to them under the provisions of the High Court Rules and citizens can invoke any of the provisions of the RTI Act or the High Court Rules whichever is convenient and easy to have access to the information or could obtain information or copies of the documents whether relating to the judicial proceeding or administration even by a third party without an affidavit assigning reasons and exposing to the discretionary authority of the issuing authority etc.,
12. In another decision in the case of MANISHKUMAR KHANNA -v/s.- SUPREME COURT OF INDIA/DD.07-12-2007 the CIC has observed as follows:
13. "The differences between the Right to Information Act and the procedure as prescribed by the Supreme Court for conduct of its own practice and procedure have to be looked into from another angle also as to whether there is a direct inconsistency between the two. In this context, it may be mentioned that neither provision prohibits or forbids dissemination of information or grant of copies of records. The difference is only in so far as the practice or payments of fees etc. is concerned. There is, therefore, no inherent inconsistency between the two provisions." In the said order the CIC has referred to the decision of Apex Court in MAHARAJA PRATHAPSINGH BAHADUR -v/s.- THAKUR MANMOHAN DEY-MANU/SC/0202 /1966 and also the case of CHANDRAPRAKASH THIWARI -v/s.- SHAKUNTHALA SHUKLA reported in A.I.R. 2002 SC 2322.
14. The CIC has also recorded the observation of Justice Mudholkar which is as follows:
15. "A general statute applies to all persons and localities within its jurisdiction and scope as distinguished from a special one which in its operation is confined to a particular locality and, therefore, where it is doubtful whether the special statute was intended to be repealed by the general statute, the court should try to give effect to both the enactments as far as possible."
16. The RTI Act being a general statute it applies to all including the District Court or other subordinate courts. The respondent ought to have issued copies of the documents or furnished the information as requested by the petitioner. As stated herein before, as the facts involved in the case of Anbarasan are different, the decision in the WP 9418/2008 is not helpful to the respondent.
17. For the aforesaid reasons, the Commission therefore directs Sri.R.Chowdappa, Public Information Officer and Chief Administrative Officer, District and Sessions Court, Kolar to provide the information sought, free of cost, through RPAD, under intimation to the Commission. Commission also likes to bring to the knowledge of the respondent that the decision of the Hon'ble High Court of Karnataka reported in ILR 2009 Kar. 3890 refers to the High Court cases and it deals with relevant rules of the High Court. Since the information sought is



relating to Senior Civil Judge and CJM Court, Chickballapur, the respondent should not have been denied the information by citing the above said judgement which is not applicable. Hence Commission directs Sri.R.Chowdappa, PublicInformation Officer and Chief Administrative Officer, District and Sessions Court, Kolar to provide the information within 30 days, free of cost, through RPAD under intimation to the Commission. The complaint is adjourned to 7.10.2011 at 11.00 a.m.

(J.S.VIRUPAKSHAIAH)

State Information Commissioner

46. Case Nos: KIC.2824.PTN.2010; KIC.3139.PTN.2010; KIC.3513.PTN.2010; KIC.3131.PTN.2010 and KIC.5358.PTN.2010; KIC.3778.PTN.2010 Date 3rd Day of December 2010

**Present: 1.Dr. H. N. Krishna, State Information Commissioner.**

**2. Sri. J.S. Virupakshaiah, State Information Commissioner.**

**(FULL BENCH)**

BETWEEN:

1. Sri. Malagouda Basagouda Patil, Nagara Munnoli, Chikkodi Taluk, Belgaum Dist  
....Petitioner in KIC 2824 PTN 2010
2. Sri. T.H.Manjappal, Lokikere, Davanagre Taluk & District .....  
Petitioner in KIC 3139 PTN 2010
3. Sri. Syed Khader,s/o Late Syed Mohammed, Advocate,Kacheri Road No 42, 5<sup>th</sup> Cross, 1<sup>st</sup> main, D.Devaraj Urs Badavane, A-Block, Davanagere.  
Petitioner in KIC 3513 PTN 2010
4. Sri. Shankarappa Murigappa Hosamani, Ani Honda, Haveri.581110. No.76., da,Plot No.23. ... Murugarajendranagar,West HEVERI District.....  
Petitioner in KIC 3131 PTN 2010
5. Sri.UDAY Kumar Shinde, Shivashakthi Sohan, No.56, 3rd Cross Gandhinagara,  
DHARAVADA.....  
... Petitioner in KIC 5358 PTN 2010
6. Basavaraj Gouda Patil, S/ o Mallikarjuna gouda Police Patil, No.6./52/k 2<sup>nd</sup> Sector, Rajajinagar, BANGALORE. .... Petitioner in KIC 3778 PTN 2010

AND

Secretary, Assistant Public Prosecutors and Assistant Government Advocates Selection Committee, CAUVERY BHAVAN, BANGALORE..... ..Respondent (common in all cases)

## **ORDER ON THE PETITIONS FILED BY THE PETITIONERS**

### **U/S 18 (1) OF THE RIGHT TO INFORMATION ACT**

#### **BRIEF FACTS OF THE CASE**

#### **1. The case of the petitioners:**

The petitioners applied for the posts of the APP-cum-AGP in response to the notification issued by the department of the

Directorate of prosecution and appeared for the written examination and having been failed in the examination and not selected, they applied to the PIO of the Directorate of prosecution on 25-1-2010, 8-2-2010, 25-2-2010 and 28-1-2010, requesting for issue of the photocopies of all the answer scripts, Notification, etc. The respondent failed to furnish information and issued endorsements Dt.8-2-2010, 10-2-2010, 2-3- 2010 and 28-1-2010 indicating the reasons. Having been aggrieved by the same they have approached this Commission.

**2. The case of the respondent:**

The respondent contended that there is no provision in the Recruitment Rules to provide copies of the answer scripts and accordingly the Committee passed resolution and rejected the applications. The respondent has relied upon the decision of our Hon'ble High Court in the WP. No. 4352/2008 reported in ILR 2008 KAR 2733.

- 3 The respondent filed memos in the cases requesting the Commission to hear all the cases together, as the matter involved in all the cases is one and the same. After perusing the records, as it has reflected that issues involved in all the cases are one and the same, the Commission has decided to hear and dispose of all the cases by a common order.
4. When the matters were set down for hearing and disposal, the petitioners 1 and 2 remained absent, the petitioners 3 to 6 appeared and submitted written arguments and the respondent remained absent. The Commission proceeded to pass orders after hearing the parties who were present before the Commission.
- 5 In the written arguments the petitioner No.3 Sri. Syed Khader had stated that he was expecting good marks since his performance was said to be good and due to sub standard evaluation he was not given the marks as expected. He has also stated that the rules upon which the respondent relied upon were framed in the year 1976 and 1981 that was earlier to the enactment of the RTI Act 2005, and that apart the provision under Section 22 of the RTI Act 2005 overrides the said rules and as there is no exemption for issue of copies, the respondent ought to have issued the copies of the answer scripts.
6. After perusing the records and written arguments and so also the objection filed by the respondent in the cases, the following points have arisen for our consideration:
  - (1) Whether the petitioners are entitled for the information or copies of the answer scripts as requested or not?
  - (2) For what order?
7. Our findings on the above points are as follows for the reasons stated hereunder

**REASONS**

8. Initially, we take up the legal position as the case entirely depends upon it. The RTI Act confers on the citizens statutory right of access to 'information' which as defined under clause (f) of Section 2 of the Act is that it means the information as held by or under the control of any public authority. The said right includes the right to inspect any such documents, records etc., and to take notes, extracts there- from or to

obtain certified copies thereof or obtain such information in any electronic mode or through printouts.

9. Hon'ble High Court of Calcutta in the case of University of Calcutta vs Preetam Roy reported in AIR 2009 Cal 97 has observed and held as follows:

“ ..... An assessed/evaluated answer script of an examinee writing a public examination conducted by **public bodies like central/state Secondary Examination or the Universities, which are created by statutes does come within the purview of information' as defined under the section 2 (f) of the Act.** There is no justifiable reason to construe section 2 (f) in a constricted sense. Apart from it being a material and thus comprehended within the exhaustive aspect of the definition, an assessed/evaluated answer script is also a document, a paper and a record. Also, an opinion is comprehended within the definition of information'...”

Hon'ble High Court further observed as follows:

“ ..... The object of the RTI Act is to ensure **fairness and transparency and it would very much be in the public interest.....** Allowing the RTI Act to have its full play thereby promoting the idea of good transparent governance even if results in inconvenience to some and has the possibility of rendering a system in vogue unworkable, the inconvenience or hardship caused thereby has to yield to larger public interest which is sought to be guaranteed by its operation. Therefore, when the court is concerned with conflicting view points, one is that of the Public Authorities and the other is that of the information seekers, the statute ought to be construed *ut magis valet quam pereat* which **means it is better for a thing to have effect than to be made void.** If the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislation, the construction which would reduce the legislation to futility should be avoided and the bolder construction ought to be accepted based on the view that the parliament would legislate only for the purpose of bringing about an effective result.....”.

Hon'ble High Court further observed in the course of the judgment that:

“ ..... Without demeaning the examiners at all, it may be observed that if an examiners action is made the subject of public scrutiny it might **ensure assessments that are fairer, more reasonable, and absolutely free from arbitrariness and defects** .Every person's public functions must be accountable to the people and there is no reason as to why the examiners who are discharging public duty should not be made accountable.. This would be a big step towards making all concerned associated with examination process accountable to the examinees as well as public authority. Further, as soon as information is accessible to a potential litigant, initially dissatisfied with the marks awarded to him, could make an informed decision before he takes a plunge to legal recourse. The time, money and effort which are necessarily associated with litigations could be

lessened/avoided once greater transparency is assured. Similarly greater transparency would mean correct, timely and legally sound decisions on the part of the Public Authorities and functionaries and thereby the quality of the governance, most likely would improve.....”

The observations of Hon’ble Supreme Court in the cases of **President, Board of Secondary Education Board Orissa vs V.D.Suvankar reported in (2007) 1 SCC 60** , **Maharastra State Board of Secondary and Higher Secondary reported in air 1984 SC 1543** , **Fathe chand Himmathlal vs State of Maharastra reported in AIR 1977 SC 1825** and **Maharastra State Board of Secondary and Higher Education vs Bhupeshkumar Sheth reported in AIR 1984 SC 1584** are distinguished by the Central Information Commission in the case of **Rajesh Kumar Singh vs Lok Sabha Secretariat New Delhi and Others** .and stated that rationale of judgment of Supreme Court may, however, not be applicable in their totality in respect of examinations conducted for promotion or recruitment by Public Authorities other than the professional examination bodies. In respect of these examinations, **the disclosure of answer sheets shall be the general rule and it could be denied only if the system unworkable in practice.** The CIC has further stated that however while disclosing the answer sheets, the concerned authority should ensure that the name and identity of the examiner, supervisor or any other person associated with the process of examination is in no way be disclosed so as to endanger the life and physical safety of such person. If it is not possible, the authority concerned may decline the disclosure of the evaluated answer sheet under Section 8 (1)(g) of the RTI Act.

10. The respondent has cited the decision of Hon’ble High Court of Karnataka in the WP.4352/2008 reported in ILR 2008 KAR 2733. Hon’ble High Court of Karnataka dismissed the WP stating that the court cannot substitute its views for the considered view of the rule making authority and the same is the position in respect of the revaluation of the answer scripts. Hon’ble High Court has also stated that unless recruitment rules provide for revaluation of the answer scripts, the candidate has no enforceable legal right to demand revaluation or to inspect the answer scripts or to obtain copy of the Hon’ble High Court. While deciding the WP, Hon’ble High Court has relied and based its decision upon the decisions of Hon’ble Supreme Court reported in 2004SCC 5183 and (1985)1 SCR 29.
11. It is significant to note that the decisions relied by Hon’ble High Court of Karnataka the WP.4352/2008 reported in ILR 2008 KAR 2733 are not relevant and not applicable to the case as firstly, the RTI Act was not enacted as on the date of those decisions of Hon’ble Supreme Court . When those decisions were rendered, the *Hon’ble Supreme Court had no occasion to consider the RTI Act, because the said RTI Act was not enacted by that time.* Secondly, the issue involved in this case is about the issue of free copies of the answer scripts and inspection thereof, whereas the said issue was not the subject matter





in those cases and so also in the WP 4352/08. *The issue involved in those cases was the question of revaluation of answer scripts whereas in these cases the request had been just for photo copies.* Thirdly, as per the Sec 22 of the RTI Act, provisions of the said RTI Act shall have overriding effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act and any other law for the time being in force.

12. The Recruitment Rules may be silent about providing the copies of the answer scripts but there is no bar or prohibition in the Recruitment Rules for issue of copies and it does not come in the way of issue of the copies of the answer scripts. In the WP 4352/08, Karnataka Information Commission, was not a party and the subject matter involved in the WP was the question of *revaluation of answer scripts* of the candidates who appeared for the posts of civil judges recruited in accordance with the KJS (Recruitment) Rules whereas, the issue before this Commission is in respect of *providing copies of the answer scripts* of the candidates who appeared for the posts of APP CUM-AGP recruited in accordance with the Karnataka Department of Prosecution (and Government Litigation). (Recruitment) Rules.
13. This Commission inclines to invite its attention to the various decisions of Hon'ble Supreme Court which are referred to by the Hon'ble High Court of Calcutta in the case of *University of Calcutta vs Preetam Roy reported in AIR 2009 Cal 97*. The most important decisions are being (1) **AIR 2007 SC 1706 i.e., Coal India Ltd vs Saroj Kumar Mishra** (2) **AIR 2007 Ker 225 i.e., Canara bank vs Central Information ,Delhi** (3) **(2007)6 SCC120 i.e., Arunima Baruah vs Union of India** (4) **AIR 1975 SC 865 i.e The State of U.P vs Raj Narain** (5) **AIR 1966 SC 529 i.e., Martin Burn Ltd vs Corporation of Calcutta and many other cases** . Hon'ble High Court of Calcutta has discussed elaborately at length extrActing the relevant portions of those judgments and finally arrived at the conclusion as referred in the preceding paragraphs. Thus the judgment of our Hon'ble High Court is clearly distinguishable from the judgment of the Hon'ble High Court of Calcutta. This Commission is of the view that the judgment of the Hon'ble High Court of Calcutta is aptly applicable to these cases. In the light of the aforesaid discussion, the decision of our Hon'ble High Court in WP.4352/2008 reported in ILR 2008 KAR 2733 is not at all helpful to the Respondent.
14. In fact Hon'ble Supreme Court in the case of Secretary, W.B.Council of Higher Secondary Education vs Ayan Das reported in (2007)8 SCC 242 : AIR 2007 3098 ruled as follows:  
"The courts normally should not direct the production of answer scripts to be inspected by the writ petitioners *unless a case is made out to show that either some questions, have not been evaluated or that the evaluation is done contrary to the norms fixed by the examining body.* For example, in certain cases the examining body can provide model answers to the questions. In such cases the examinees satisfy the court that model answer is different from what has been aDepartment of Personnel and Traininged by the Board, then only can

the court ask for the production of the answer scripts by the examinee.”

So, in order to make out a case before the court that some questions are evaluated or not or otherwise, requirement of the photo copies is necessary. The respondent ought to have issued photocopies of the answer scripts to enable them to make out a case. Later, the original answer scripts could be secured by the court if the petitioners choose to approach the court of law and the court requires them to decide the dispute.

15. *In the event of dint of the regulations framed by the examining bodies the examinees are deprived of the opportunity to have the inspection of their scripts, it would be impossible for them to project before the court the defects, the arbitrariness or the partiality in evaluation of scripts by the examiner, if any ,and, therefore, access to justice which has been held to be a human right by the Apex Court in its decision in the case of Arunima Baruah vs Union of India reported in (2007) 6 SCC 120, would be defeated.*
16. Supreme Court in the case of Artin Burn Ltd vs Corporation of Calcutta reported in AIR 1966 SC 529 observed as follows:  
“A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. A statute must of course be given effect to whether a court likes the result or not.”
17. Our Hon’ble Supreme Court in the case of L.I.C. vs Asha Ram Chandra Ambekar reported in AIR 1994 SC 2148 has ruled as follows:  
“It is true there may be pitiable situations on that score the statutory provision cannot be put aside” Therefore, the provisions of the RTI Act are required to be followed whatever the situations may be.
18. Our Hon’ble Supreme Court in the case of The State Financial Corporation and another vs M/ Jagadamba Oil Mills has cautioned that disposal of cases blindly relying on a decision is not proper and that reliance on decisions ought not to be placed without discussing as to how the factual situation at hand fits in with the factual situation of the decision on which the reliance is placed. Therefore, this Commission has gone through the decisions in detail to arrive at the decision.
19. In the case of Raj Narain reported in AIR 1975 SC 1975 with reference to the Art.19(1)(a) of the Constitution, it is held by our Hon’ble Supreme Court tas follows:  
“....a citizen has a right to know every public Act and for that matter everything done in a public way by publicfunctionaries.
20. Our Hon’ble Supreme Court in the case of S.P. Gupta vs Union of India reported in AIR 1982 SC149 has ruled as follows:  
“.....disclosure of information in regard to function of the Government must be the rule and secrecy an exception”
21. Disclosures serve an important aspect of public interest. The RTI Act is not to be read in a manner to curtail rights which the Constitution recognizes for the RTI Act does not say anything contrary to what the Constitution and the Rules say. If the information sought for is



- withheld for no good reason, it would be reasonable to suspect that there is some- thing which is sought to be hidden.
22. Viewed from the angle of facts as well as the angle of the Law as well as from the point of the *ratio decidendi* laid down by our Hon'ble Supreme Court of India, the petitioners are entitled for the photocopies of the answer scripts and other information as sought for by them and the respondent shall have to furnish the same at the earliest to enable them to seek redressal from the court without loss of time for establishing their cases as required, as ruled by Hon'ble Supreme Court of India.
  23. This Commission directs the respondent namely viz Secretary & PIO, Asst. Public Prosecutors and assistant Govt. Advocates selection committee, Cauvery Bhavan, Bangalore to provide the information sought by the petitioners within 30 days from the date of this order free of cost through RPAD and file a compliance report in this regard to this Commission on or before 17-01-2011.
  24. This case is adjourned to 17-01-2011 awaiting the compliance report from the respondent namely viz Secretary & PIO, Asst. Public Prosecutors and Assistant Govt. Advocates selection committee, Cauvery Bhavan, Bangalore.

(Dr. H.N. KRISHNA) (J.S.VIRUPAKSHAIAH)  
State Information Commissioner State Information Commissioners

47. ಕಮಾಅ10490ಮಾರು2010

ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಆಯೋಗ, ಬೆಂಗಳೂರುಆಯೋಗದ ವೆಬ್‌ಸೈಟ್ [www.kic.gov.in](http://www.kic.gov.in) (ಶ್ರೀ ಡಾ: ಗ್ರೇಷಿಯನ್ ಲಾರೆನ್ಸ್ ಪೆರಿರಾ ವಿರುದ್ಧ ಸಾ.ಮಾ.ಅ. ಹಾಗೂ ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಸಹಾಯಕ ಆಯುಕ್ತರು, ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ಕಛೇರಿ, ಮಂಗಳೂರು)

**ಅದೇಶ**

ದಿನಾಂಕ: 31.05.2011

1. ಅರ್ಜಿದಾರರು ಪರವಾಗಿ ಅವರ ಪತ್ನಿ ಶ್ರೀಮತಿ ಲಾರೆನ್ಸ್ ಪೆರಿರಾ ರವರು ಹಾಜರಾಗಿದ್ದಾರೆ. ಹಾಗೂ ಅನುಮತಿ ಪತ್ರವನ್ನುಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಪ್ರತಿವಾದಿ ಶ್ರೀ ಶ್ರೀಕಂಠಮೂರ್ತಿ, ಸಾ.ಮಾ.ಅ. ಹಾಗೂ ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಸಹಾಯಕ ಆಯುಕ್ತರು,ಎಲ್.ವಿ.ಒ-260, ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ಕಛೇರಿ, ಮಂಗಳೂರು, ರವರು ಹಾಜರಾಗಿದ್ದಾರೆ.
2. ಅರ್ಜಿದಾರರು ತಮ್ಮ ಮಾಹಿತಿ ಕೋರಿಕೆ ಅರ್ಜಿ ದಿನಾಂಕ 06.08.2009 ರಲ್ಲಿ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯ ವಿಧಿ 6(1) ರ ಅಡಿಯಲ್ಲಿ ಈ ಕೆಳಕಂಡ ವಿಷಯಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಕೋರಿರುತ್ತಾರೆ:
  - (a) To furnish the details of whether the above said person has applied for registration of VAT? If so furnish the Copy of the application and all the documents annexed to the application (b) Whether he is regularly paying the VAT or filing VAT Returns to concerned authority? (c)Furnish the registration No. & copy of the monthly statement filed by him (d) Furnish the Copy of the statements given by him (e) Furnish the Copy of the order regarding VAT Registration.
3. ಅರ್ಜಿದಾರರು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ ಕಲಂ 7(1) ರನ್ವಯ ನಿಗದಿತ 30 ದಿನಗಳೊಳಗಾಗಿ ಯಾವುದೇ ಮಾಹಿತಿಯನ್ನಾಗಲೀ/ಹಿಂಬರಹವನ್ನಾಗಲೀ ಪ್ರತಿವಾದಿಯು ನೀಡಿರುವುದಿಲ್ಲವೆಂದು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ ಕಲಂ 18(1) ರನ್ವಯ ದಿನಾಂಕ 04.08.2010 ರಂದು ಆಯೋಗಕ್ಕೆ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ



ದೂರನ್ನು ಪರಿಶೀಲಿಸಿದ ಆಯೋಗವು ಪ್ರಕರಣವು ವಿಚಾರಣಾರ್ಹವೆಂದು ಪರಿಗಣಿಸಿ, ದಿನಾಂಕ 17.05.2011 ರಂದು ಉಭಯತರರಿಗೆ ಸಮನ್ಸ್ ಜಾರಿಗೊಳಿಸಿರುತ್ತದೆ.

4. ದಿನಾಂಕ 01.09.2009 ರಂದು ಅರ್ಜಿದಾರರಿಗೆ ಬರೆದ ತಮ್ಮ ಪತ್ರದಲ್ಲಿ ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಸಹಾಯಕ ಆಯುಕ್ತರು ಹಾಗೂ ಸಾ.ಮಾ.ಅ.,ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ಕಛೇರಿ, ಮಂಗಳೂರು, ರವರು ಅರ್ಜಿದಾರರು 3ನೇ ಪಕ್ಷದಾರನ ಮಾಹಿತಿ ಇದ್ದುದರಿಂದ ತಮ್ಮ ಸಂಸ್ಥೆಯಾವುದೇ ಮಾಹಿತಿಯನ್ನು ನೀಡಬಾರದೆಂದು ಆಕ್ಷೇಪಣೆ ಸಲ್ಲಿಸಿದ್ದರಿಂದ ಮಾಹಿತಿಯನ್ನು ನಿರಾಕರಿಸಲಾಗಿದೆ ಎಂದು ಹಿಂಬರಹನೀಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದಲ್ಲದೇ ಈ ಪ್ರಕರಣದಲ್ಲಿ 3ನೇ ಪಕ್ಷದಾರರಾದ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ಇವರು ಈಪ್ರಕರಣವು ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣ ಸಂಖ್ಯೆ ಔ.ಐ ಓ.ರ 51/09, ಯಲ್ಲಿ ಇರುವುದಾಗಿ ಹೀಗಿರುವಾಗ ಮಾಹಿತಿಯನ್ನು ಅರ್ಜಿದಾರರಿಗೆ ನೀಡಬಾರದೆಂದು ತಿಳಿಸಿದ್ದು, ಈ ಬಗ್ಗೆ ನೀಡಿರುವ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಆಯೋಗದ ಮಾಹಿತಿಗಾಗಿ ಲಗತ್ತಿಸಿರುತ್ತಾರೆ.5. ಅರ್ಜಿದಾರರು ದಿನಾಂಕ 01.09.2009 ರ ಪತ್ರ ತಮಗೆ ಬಂದಿರುವುದಾಗಿ ಆದರೆ ತಾವು ಸಾರ್ವಜನಿಕ ದಾಖಲೆಯನ್ನು ಕೋರುತ್ತಿರುವುದಾಗಿ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ತಮಗೆ ಪಾವತಿಸಬೇಕಾದ ಹಣ ಪಾವತಿಸಿರುವುದಿಲ್ಲವೆಂದು ತಾವುಕೋರಿರುವ ಮಾಹಿತಿಯು ಸಾರ್ವಜನಿಕ ದಾಖಲೆಯಾಗಿರುವುದರಿಂದ ಮಾಹಿತಿಯನ್ನು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಾದ ಕ್ರಮವಲ್ಲವೆಂದುತಿಳಿಸಿ, ತಾವು ಕೋರಿರುವ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಿಕೊಡುವಂತೆ ಪ್ರತಿವಾದಿಗೆ ನಿರ್ದೇಶನ ನೀಡಬೇಕೆಂದು ಆಯೋಗವನ್ನುಕೋರುತ್ತಾರೆ. ಅಲ್ಲದೇ ತಮ್ಮ ಕಕ್ಷಿದಾರರ ಸಂಸ್ಥೆಯ ಆಸ್ತಿಯನ್ನು ಮಂಗಳೂರಿನ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರು, ಬ್ಯಾಂಕಿಗೆ ಅಡಮಾನ ಮಾಡಿರುವುದಾಗಿ ಹೀಗಿದ್ದಾಗ ತಾವು ಕೋರಿರುವ ಮಾಹಿತಿಯನ್ನು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಾದ ಕ್ರಮವಲ್ಲ ಎಂದುತಿಳಿಸುತ್ತಾರೆ.
5. ಅರ್ಜಿದಾರರು ದಿನಾಂಕ 06.08.2009 ರಂದು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿ ಕೋರಿಕೆ ಅರ್ಜಿಯನ್ನು ಆಯೋಗವು ಪರಿಶೀಲಿಸಿದೆ. ಈ ಅರ್ಜಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯನ್ನು ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಂಡಿದ್ದಾರೆಯೇ? ಮಾಡಿಸಿಕೊಂಡಿದ್ದಲ್ಲಿ, ಅದರ ಪ್ರತಿ ಹಾಗೂ ಅರ್ಜಿಯ ಜೊತೆ ಲಗತ್ತಿಸಿರುವ ದಾಖಲೆಗಳ ಪ್ರತಿಯನ್ನು ನೀಡುವಂತೆ ಅಲ್ಲದೇ, ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಕ್ರಮಬದ್ಧವಾಗಿ ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯನ್ನು ಪಾವತಿಸಿರುವರೇ? ಎಂಬ ಬಗ್ಗೆ ಮತ್ತು ಈ ಸಂಸ್ಥೆಯ ನೋಂದಣಿ ಸಂಖ್ಯೆ ಹಾಗೂ ಮಾಸಿಕ ವ್ಯವಹಾರದ ತಃಖ್ತೆಯನ್ನು ನೀಡುವಂತೆ ಹಾಗೂ ಇವರು ಸಲ್ಲಿಸಿರುವ ರಿಟರ್ನ್ಸ್‌ನ್ನು ತಿಳಿಸುವಂತೆ ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ಮಾಡಿರುವುದಕ್ಕಾಗಿ ನೋಂದಣಿ ಯ ಪ್ರತಿಯನ್ನು ಕೋರಿರುತ್ತಾರೆ.
6. ಈ ಎಲ್ಲಾ ಮಾಹಿತಿಯನ್ನು ಪ್ರತಿವಾದಿಯು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಾದ ಕ್ರಮವಲ್ಲ.
7. ಅರ್ಜಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿಯಲ್ಲಿ ಅಂದರೆ:-
8. ಕ್ರಮಸಂಖ್ಯೆ (ಎ) ಅಂದರೆ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯಡಿ ನೋಂದಣಿ ಮಾಡಿಕೊಂಡಿದ್ದಲ್ಲಿ, ನೋಂದಣಿ ಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿ ಮತ್ತು ಇತರೆ ದಾಖಲೆಗಳು ಸಾರ್ವಜನಿಕ ದಾಖಲೆಗಳಾದ್ದರಿಂದ ಮಾಹಿತಿಯನ್ನು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಲ್ಲ.
9. ಕ್ರಮಸಂಖ್ಯೆ (ಬಿ) ಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಾಹಿತಿಯನ್ನೂ ಸಹ ಅಂದರೆ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯನ್ನುವಾರ್ಷಿಕ ಕಾಲಕಾಲಕ್ಕೆ ನಿಗದಿತ ಅವಧಿಯೊಳಗಾಗಿ ಪಾವತಿಸುವರೇ? ಎಂಬ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ನಿರಾಕರಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ. ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯಡಿಯಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಕೊಂಡಿರುವ ನೋಂದಣಿ ಸರ್ವೆಂಟರನ ನಂಬರನ್ನು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಾದ ಕ್ರಮವಲ್ಲ. ಆದರೆ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ಇವರ ಮಾಸಿಕ ವ್ಯವಹಾರದ ತಃಖ್ತೆಯನ್ನು (Monthly Returns) ನೀಡಬೇಕಾದ ಅಗತ್ಯತೆ ಇರುವುದಿಲ್ಲ.
10. ಕ್ರಮಸಂಖ್ಯೆ (ಡಿ) ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಬೇಕಾದ ಅವಶ್ಯಕತೆ ಇರುವುದಿಲ್ಲ. ಆದರೆ ಕ್ರಮಸಂಖ್ಯೆ (ಇ) ಬಗ್ಗೆ ಅಂದರೆ **“order regarding VAT Registration”** ಇದು ಸಾರ್ವಜನಿಕ ದಾಖಲೆಯಾದ್ದರಿಂದ ಈ ದಾಖಲೆಯನ್ನು ನಿರಾಕರಿಸಿರುವುದು ಸರಿಯಾದ ಕ್ರಮವಲ್ಲ. ಆದುದರಿಂದ ಅರ್ಜಿದಾರರ ಮಾಹಿತಿ ಕೋರಿಕೆ ಅರ್ಜಿಯ ಕ್ರಮಸಂಖ್ಯೆ (ಎ) ಅಂದರೆ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯಡಿ ನೋಂದಣಿ ಮಾಡಿಕೊಂಡಿದ್ದಲ್ಲಿ, ನೋಂದಣಿಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಮಾಹಿತಿಯನ್ನು ಕ್ರಮಸಂಖ್ಯೆ (ಬಿ) ಅಂದರೆ ಶ್ರೀ ವಿನೆಂಟ್ ಆಸ್ವಲ್ಡ್ ಡಿಸೋಜಾ, ರವರು ಕಾಲಕಾಲಕ್ಕೆ ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಯನ್ನು ಪಾವತಿಸುವರೇ? ಎಂಬ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಕ್ರಮಸಂಖ್ಯೆ (ಸಿ) ಅಂದರೆ ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ನೋಂದಣಿ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಹಾಗೂ ಕ್ರಮಸಂಖ್ಯೆ (ಇ) ಅಂದರೆ ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆಗೆ ನೋಂದಣಿ ಮಾಡುವಾಗ ಆದೇಶದ ಪ್ರತಿಯನ್ನು 30 ದಿನಗಳೊಳಗಾಗಿ ಉಚಿತವಾಗಿ, ನೋಂದಾಯಿತ ಅಂಚೆ



ಮುಖಾಂತರ ಕಳುಹಿಸಿಕೊಡಬೇಕೆಂದು ಆಯೋಗವು ಶ್ರೀ ಶ್ರೀಕಂಠಮೂರ್ತಿ,ಸಾ.ಮಾ.ಅ. ಹಾಗೂ ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಸಹಾಯಕ ಆಯುಕ್ತರು, ಎಲ್.ವಿ.ಒ-260, ಮೌಲ್ಯವರ್ಧಿತ ತೆರಿಗೆ ಕಛೇರಿ, ಮಂಗಳೂರು, ರವರಿಗೆ ಆದೇಶಿಸುತ್ತದೆ.

11. ಕ್ರಮ ಕೈಗೊಂಡ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುವ ಸಲುವಾಗಿ, ಪ್ರಕರಣವನ್ನು ದಿನಾಂಕ 19.10.2011 ರಂದು ಪೂರ್ವಾಹ್ನ 11.00 ಘಂಟೆಗೆ ಮುಂದೂಡಲಾಯಿತು
12. ಆಯೋಗದ ನಿರ್ದೇಶನದಂತೆ ಪ್ರತಿವಾದಿಯು ಅರ್ಜಿದಾರರಿಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಿದ್ದಲ್ಲಿ, ಮುಂದಿನ ವಿಚಾರಣಾ ದಿನಾಂಕದಂದು ಉಭಯತ್ರರು ಹಾಜರಾಗುವ ಅವಶ್ಯತೆ ಇರುವುದಿಲ್ಲವೆಂದು ಆಯೋಗವು ಉಭಯತ್ರರಿಗೆ ಆದೇಶಿಸಿದೆ.
13. ಉಕ್ತಲೇಖನ ಕೊಟ್ಟು, ಕರಡು ಪ್ರತಿಯನ್ನು ತಿದ್ದಿ, ನನ್ನ ರುಜುವಿನೊಂದಿಗೆ ದಿನಾಂಕ 31.05.2011 ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲ ಘೋಷಿಸಿದೆ.

(ಜೆ.ಎಸ್. ವಿರೂಪಾಕ್ಷಯ್ಯ)  
ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಆಯುಕ್ತರು