

## **Minutes of the meeting of the Commission held on 12.08.2008**

### **Present: -**

- A. Shri Wajahat Habibullah, Chief Information Commissioner
- B. Prof. M. M. Ansari, Information Commissioner
- C. Dr. O.P. Kejariwal, Information Commissioner
- D. Smt. Padma Balasubramanian, Information Commissioner
- E. Secretary, Addl. Secretary, JS (L), JS (A & P), JS (MoRe), DS (P& B) & DS (PP) assisted the Commission.

### **Agenda Item: 1 Note circulated by IC (T) in respect of draft Rules**

Commission observed that no decision is required on this at present. However, it may be brought to the Commission after study by the Commissioners for approval

### **Agenda Item: 2 Two e-mails of Citizens re FIR**

2. These have been considered. Commission found that there is no request from the accused; hence no action is called for by the Commission.

### **Agenda Item: 3 Progress on e-office implementation plan**

3. Commission observed that the progress on e-office implementation plan is very slow. Secretary, CIC will follow up with appropriate authority to expedite the progress.

### **Agenda Item: 4 Suggestions submitted by Shri Shailesh Gandhi**

4. Commission directed that the possibility of adjusting interns against the posts of Court masters if law graduates joins the Commission as interns be examined.

5. Commission directed the Secretary to take a meeting with all the designated officers with a view to assess the functioning of the Registry. Commission directed further to examine the suitable nomenclature either as disposed or closure of the cases, that is decided by it.

6. Commission directed that the following procedure may be followed while imposing penalty and the same may be incorporated in the CIC (Management) Regulations 2007.

- i) Wherever there is no response of the PIO within the time specified in section 7(1) or there is a complaint that the PIO refused to accept application, the Commission shall issue a notice to him to show cause why penalty should not be imposed upon him. In such cases, the response of the PIO has to be assessed on whether the explanation offered by him provides “reasonable cause” or not.
- ii) If the information provided is incorrect, incomplete or misleading, the Commissioner shall issue a notice to him to show cause why penalty should not be imposed upon him. In such cases, the response of the PIO has to be assessed whether he provided incorrect, incomplete or misleading information “knowingly” or not.
- iii) If the PIO destroyed the information, which was the subject of request or obstructed in any manner in furnishing information, penalty shall be imposed upon him after giving him an opportunity of being heard.
- iv) If it is found during first hearing that any of the above situations prime exists, then show cause notice shall be issued in the notice of the first hearing only to save time of a separate hearing for imposition of penalty. The PIO shall be expected to present his/her explanation in the hearing.
- v) In all cases of penalties, a hearing needs to be held where both parties should be given an opportunity of being heard. A speaking order should thereafter be passed imposing or dropping penalty.
- vi) PIO shall not be given more than two adjournments to present his explanation. That shall be treated as reasonable and sufficient opportunity.

Suggestions on the compliance of the Commission’s orders have been noted. The Registry will examine these.