

MINUTES OF THE FIRST MEETING OF FULL COMMISSION OF STATE INFORMATION COMMISSION PUNJAB HELD UNDER THE CHAIRMANSHIP OF C.I.C. ON 21.07.2009 AT 12.30 P.M.

The following were present:-

1. Sh. P.K. Verma, SIC;
2. Mrs. Rupan Deol Bajaj, SIC;
3. Sh. R.K. Gupta, SIC;
4. Sh. Surinder Singh, SIC;
5. Lt. Genl. (Retd.) P.K. Grover, SIC;
6. Sh. P.P.S. Gill, SIC;
7. Sh. Kulbir Singh SIC;
8. Mrs. Ravi Singh, SIC;
9. Sh. D.S. Kahlon, SIC;
10. Sh. S.S. Grewal, Secretary, SICP.

The Chief Information Commissioner while welcoming the State Information Commissioners stated that the 1st meeting of the Full Commission has been convened in order to take up certain issues which came before him, from time to time, since his joining and which he felt warranted consideration and deliberations by the full house of the Commission. The SICs welcomed the initiative in holding the first meeting of the full Commission.

Before taking up the regular agenda, the statement prepared by the Deputy Registrar indicating month-wise status of appeals / complaints w.e.f. 01.01.09 to 30.06.2009 was perused. The meeting was apprised that these figures had been compiled on the basis of information submitted by the Private Secretaries/Readers attached with different Benches. The Commission noted with satisfaction that over 2391 Appeals / Complaints had been disposed of in the current year up to 30.6.09. As on 30.6.09, the number of pending Appeals / Complaints was 944. About 32 pending cases were more than one year old. The Commission decided that the CIC / SICs should hold the hearings of cases as often as required, so as to further reduce the number of pending cases, particularly those cases which are more than 3 months old.

Lt. Gen. (Retd.) P.K. Grover, Chairman of the Monitoring & Systems committee brought out that there was a system earlier in place under which monthly statement of cases reflecting details of their institution, allocation, disposal and pendency, including the bench-wise data was being compiled. This system was very helpful in tracking the progress of judicial work. This practice needs to be restarted, on a monthly basis. Based on the suggestions given by the SICs, it was decided that in future statement regarding status of Complaints / Appeals should also include the following additional information: -

- (a) A column indicating the total number of cases allotted to a particular Bench;
- (b) A column indicating the cases transferred from one bench to the other or to a Division Bench/Full Bench;
- (c) A column indicating the details of cases being heard by DB/Full Bench;
- (d) A reference regarding cases where stay has been granted by Hon'ble High Court or Hon'ble Supreme Court of India.

The CIC appraised all the SICs that he has specifically directed the Deputy Registrar to put up new cases of appeals/complaints received in the Commission within two days of their receipt in the Registry of the Commission so that these are promptly attended to.

Item No.1

Commission perused the written suggestions given by the RTI Users Association. The Commission noted that the suggestions put forward were worthy of adoption. It was decided that suitable steps be taken, in due course, to take cognizance of these issue and implement the same.

Item No.2

The proposal was discussed and it was decided that SICs may give their suggestion within one month for additions or amendments in the code of ethics

as adopted by the Central Information Commission and these inputs would be taken note to draft a revised Code of Ethics and place it before the Commission for consideration.

Item No.3

Considered and noted.

Item No.4

The Commission noted that a committee for Monitoring and Systems under the chairmanship of Lt. Gen. (Retd) P.K. Grover is already in place. It was decided that the issue of up-gradation of IT facilities and E-enablement along with the issue of availing funds from the DoPT, Govt. of India would be followed up by this committee. Help, if required, may be taken from NIC, Centre for Good Governance, Hyderabad & other similar Institutions. The e-systems and procedures in vogue in other State / Central Commission/s may also be studied. The effort should be to make our IT system and e-enablement one of the best in the country.

As a first step, to up-grade the IT systems of the Commission, a well trained, qualified and experienced System Administrator is desirable. It was accordingly decided to explore the possibility of some suitable candidate for employment against the post of System Administrator.

Item No.5

The Commission noted with concern that the Annual Report, which is a statutory obligation of the Commission, for the years 2007 and 2008 were pending for submission to the Govt. It was decided that a committee consisting of Sh. P.K. Verma and Sh. P.P.S. Gill, SICs be constituted in order to draw up a draft of the Reports, which will be placed before the Commission before finalization.

Item No.6

The proposal for up-gradation of staff-strength of the Commission was considered and approved. It was decided that a formal reference be sent to the State Govt. for creation of posts as detailed in the Annexure A/4 of agenda note.

The Commission felt that the gross emoluments currently being paid to outsourced Drivers, Data Entry Operators and Peons @ Rs.5500/-, Rs.5,000/- and Rs.4,000/-, respectively, needed an upward revision as with these meager salaries, it was difficult to get or retain quality human resource / well trained staff. Even to keep up the motivation level of these employees, especially since their counterparts in the Govt. have got substantial increase in salary on account of revision as per recommendations of the 5th Punjab Pay Commission, it was desirable to allow an increase in emoluments. It was decided that a proposal for enhancement of their salaries should be taken up with the Govt. on priority.

Item No.7

While bringing out the background and the imperative of finalizing the entitlement of petrol and mobile telephone expenses, CIC brought out the following points:-

- (a) In the absence of any formal notification from the Govt. and in the absence of any limits in this regard adopted for itself by the Commission, the office has been settling the payments in excess of 200 liters of petrol per month per vehicle and Rs.1000/- per month for mobile phones on provisional basis, in the interest of the office work and to provide uninterrupted vehicle and telephone facility to the Commissioners. The Audit parties of the Accountant General, while conducting the previous two audits of the Commission have made observations regarding payment of mobile phone bills and also regarding use of official vehicles. On this subject, there have also been some references from the office of H.E., the Governor of Punjab.
- (b) While notifying the terms & conditions of CIC, which are also annexed in the present agenda, limit of petrol has been spelt out as maximum of 200 liters per month. However, no such notification has been issued in respect of SIC, though some correspondence has been exchanged between the Commission and the government. The CIC emphasized that it would be desirable to settle this issue so as to avoid any audit objections / recoveries in future.

After due deliberations on the issues in the agenda item, SICs were of the view that no limit has been prescribed by the Govt. in their appointment-notifications or by any subsequent executive orders. As per Section 5 (b) of The RTI Act, the SICs have been equated with Chief Secretary of the State, for purposes of the salary, and allowances and also "other terms and conditions of service." Therefore, it was felt that adoption of limits for petrol and mobile phones at a scale less than to what the Chief Secy. is entitled is not incumbent upon the Commission.

The CIC emphasized that being cent percent funded by the State Govt., and being subject to regular audit and Punjab Financial Rules and other controls, it would be imperative for the Commission to keep the Govt. on board on these issues. Moreover, as a proactive austerity measure, it was desirable for the Commissioners to adopt for themselves some limits for petrol and mobile use.

Item No. 8 – Office accommodation for the SICP

The CIC informed that he had requested the Infrastructure Committee to address the issue of shortage of office space, now that the strength of the Commission has gone up to ten.

Sh. Surinder Singh, Chairman Infrastructure Committee accordingly briefed the Commission on the following points:-

To hire accommodation, as per the normal procedure, open offers are required to be invited. However, considering that the Commission is already housed in two separate buildings, at some distance from each other, it may not be desirable to hire a third SCO, which will only further split the Commission into three buildings. The land-lady of the existing building with the Commission, i.e.SCO.84-85, Sector 17C, Chandigarh, on the other hand, had offered for hiring the 4th floor of the building, which is lying vacant. She had demanded a rent of Rs.80,000/- per month. The committee for Infrastructure held a meeting on 16.07.2009 and negotiated the rent with the representative of the land lady. During negotiations, she was brought down to accept rent @ Rs.50,000/- per month. This works out to be Rs.20.833 per square feet and is comparable with the existing rate of rent of this building @ Rs 18.087 per sq. feet, considering that the building was hired in the year 2006

The Chairman of the Infrastructure Committee further drew the attention of the Commission to a condition imposed by the land lady that a clause would be added in the lease agreement which shall bind the Commission to pay three times the rent per month in case the building is not vacated on expiry of the lease tenure of three years.

The basis on which this recommendation is being made by the committee was explained to the Commission. After due discussions this recommendation of the negotiated rent of Rs.50,000/- per month, including the condition of three times rent on non-vacation of building at the end of lease period, was accepted by the Commission unanimously.

9. The CIC informed that he had contacted the Advisor to the Administrator, Chandigarh and also Secretary, Housing and Urban Development Punjab for allotment of a suitable plot of land for office building at Chandigarh / Mohali. The Infrastructure Committee was asked to work out the minimum area requirement for office building for the Commission.

The Commission considered and approved the estimates of covered area for the proposed new office building prepared by the Infrastructure Committee which was tabled before the Commission. The proposal was approved along with the proposal to make a request for allotment of 6-8 kanals of land preferably in Sector 38 or 39, Chandigarh or if this does not work out, in Mohali through GMADA.

10. After conclusion of the Agenda items, some general points were put forward by the SICs regarding,-

- (a) Provision of rent-free accommodation to SICs, since their terms & conditions of appointment make a mention in this regard;
- (b) The expense personally borne by Mrs. Rupan Deol Bajaj SIC, for registration of her staff vehicle with the Chandigarh Registering authority, rather than from Mohali in Punjab;
- (c) provision of one Gunman each with the SICs;
- (d) provision of one additional computer/lap top for SICs.

The meeting was apprised that action on point (d) above has already been initiated as ordered by the CIC and funds are also being sought from government of India under e-enablement of the Commission. On the other points, CIC directed that these matters be put up to him on files separately for consideration and further action.

Meeting ended with a vote of thanks to the chair.