

BY EMAIL AND RPAD

02/02/2024

To,

The Chief Secretary
The Government of Karnataka
Room No. 320, 3rd floor,
Vidhanasoudha, Bangalore-01
Email: cs@karnataka.gov.in

Kind attention Dr. Rajneesh Goel, IAS.

Dear sir,

Subject – Implementation of Hybrid Mode system of conducting the “quasi-judicial” proceedings of the **Registration and Grievance Redressal Authority** under the KPME Act- Reg

Ref - order dated 27/02/2023 passed by the Hon'ble High Court of Karnataka at Bengaluru (Sri Manjgowda vs The State of Karnataka in W.P. No. 50646/2016 (LB-RES))

Greetings!

At the outset I would like to invite your kind attention to the landmark decision of the Honorable High Court of Karnataka passed in the case of **Sri Manjgowda vs The State of Karnataka (W.P. No. 50646/2016 (LB-RES))**, wherein a specific direction has been issued to the Government of Karnataka (through Chief Secretary) to introduce the web-based (virtual / online) hosting or conducting of the “quasi-judicial” proceedings.

A copy of the above-mentioned order is enclosed herewith for your ready reference. Since the said order is self-explanatory, I request you to kindly peruse the same and read as an integral part hereof.

However, for the sake of ready reference, I would like to specifically invite your kind attention to para-No. 12 to 18 of the said order, which are reproduced as hereunder.

“12. It is but required that suitable directions are issued to the Principal Secretary, Department of Panchayat Raj, Rural Development to institute appropriate system and methodology to webhost all case proceedings including the daily orders and judgments on the relevant website of that particular authority in a similar manner as done by this Court as also the District Courts.

13. All details of the proceedings including the date on which the matter is posted, the daily orders which have been passed, evidence which has been recorded, directions which have been issued, as also the final Judgment which has been passed would be required to be uploaded on the relevant website. Necessary arrangements to be made to inform the litigants, as also advocates by SMS and/or e-mail, wherever e-mail id is provided about the orders passed like that done by this Court.

14. Whenever there is any adjournment which is made by quasi-judicial authority, detailed reasoning to be given as to why the matter is being adjourned rather than laconic statement that the Presiding Officer is otherwise busy in administrative function. A suitable monitoring system to be established by the Prl. Secretary, Department of Rural development and Panchayat Raj to monitor the progress of all quasi-

judicial proceedings before the Authorities coming under his jurisdiction

15. Comprehensive report, detailed project plan, as also detailed action taken report to be submitted within a period of eight weeks from date of this order.

16. Learned AGA is directed to bring to the notice of the Prl. Secretary, Department of Rural development and Panchayat Raj about the seriousness of the matter, more so, in this particular matter where proceedings were pending from 2002 to 2014 where more than hundred adjournments have been granted on account of the Presiding Officer being otherwise busy in administrative functions.

17. The Chief Secretary, Government of Karnataka is also directed to explore the possibility of appointing separate set of persons to deal with quasi-judicial functions who is not required to discharge administrative functions, so that long pending matters can be completed at the earliest.

18. In this age when courts have also installed hybrid hearings through video conferencing, the Prl. Secretary to explore the possibility of making available similar facilities at all quasi-judicial authorities so as to enable easy access to justice to the citizens of the country. Assistance of the Secretary, E-governance Department to be taken in regard to the directions issued.”

In the above context, I would like to further draw your kind attention to the fact that the proceedings being conducted at present by the **Registration and Grievance Redressal Authority** (constituted under the KPME Act, 2007) are through the age-old system of “physical mode”

causing great inconvenience and hardship to both the complainant (aggrieved person) as well as the respondent (doctor/ hospital).

What is painful to mention here that most of the times such proceedings are adjourned *sine die* abruptly or cancelled at the eleventh hour without even notifying the next date of hearing. This kind of unprofessional and arbitrary way of handling of quasi-judicial proceedings is causing great loss, untold hardship, and irreparable injury to all concerned.

The Hon'ble High Court of Karnataka has also expressed deep concern in this regard. Above all, this results in the colossal loss of precious time of the aggrieved persons (patients/ victims) on the one hand and medical professionals/ healthcare administrators on the other hand, who are called upon to participate in such proceedings. I can cite one such incident that has occurred recently in Udupi District on 20-01-2024.

It is pertinent to note here that at a time where even when the Hon'ble Supreme Court of India and the Hon'ble High Court of Karnataka are conducting online/ web-based hearings with the help of the latest Information Technology, it is disappointing to note that the State Government has not made serious efforts in implementing the hybrid mode of conducting quasi-judicial proceedings, despite the availability of such a novel modern system

FOLLOWING ARE THE MAJOR ADVANTAGES

1. It saves the precious time of the citizens as well as that of public officers', who are conducting the quasi-judicial or statutory proceedings.
2. Recording of these proceedings will also help the government in reviewing or continuous evaluation of the performance and efficiency

of the enquiry process and the competency of the officers / members of the authority.

3. Introduction of “virtual / online system” of conducting proceedings will greatly enhance and promote transparency, especially in the matter of quasi-judicial enquiry process restoring the faith of the common man in the integrity and efficiency of these proceedings.
4. The members may join the enquiry proceedings from their own locations thereby saving their precious public service time as well as travel time, as this “Registration and Grievance Redressal Authority” comprises the senior officers like Deputy Commissioner (in his capacity as Chairman), District Health and Family Welfare Officer (DHO&FW) as its member secretary and three nominated members, who are medical professionals.
5. This kind of virtual / online system of participation / attendance will ensure full quorum as physical absence will not impact the proceedings.
6. This system is also in consonance with the objective of the Government of Karnataka in achieving the “Ease of Doing Business”. Since the Karnataka State is in the forefront in the matter of implementation of the information technology in its administration and Bangalore being the Silicon City of India, introduction of this kind of online (VC based) enquiry system will be a feather on the cap of the state government.

CONCLUDING SUBMISSIONS

In light of the above, I request you to kindly consider this bonafide request representation made in public and take urgent steps to implement the Hybrid Mode/ System of conducting of the proceedings particularly in the enquiries contemplated under the KPME Act, 2007,

keeping in mind the letter and spirit of the directions issued by the Hon'ble High Court of Karnataka in the above case.

Thanking you

Yours sincerely,



Vivekananda Paniyala
Advocate | Paniyala & Associates

Enclosure: Copy of the order dated 27/02/2023 passed by the Hon'ble High Court of Karnataka at Bengaluru (Sri Manjegowda vs The State of Karnataka in W.P. No. 50646/2016 (LB-RES))

Copy to:

- 1. The Hon'ble Chairman**
The Karnataka State Legal Service Authority
1st floor, Nyaya Degula, H.Siddaiah Road,
Bengaluru-560027.
- 2. The Principal Secretary**
The Department of Law
Ground Floor, VidhanaSoudha,
Bangalore 560001, Karnataka.
- 3. The Registrar General**
The Honourable High Court of Karnataka
High Court premises
Bengaluru- 560001.
- 4. The Principal Secretary**
The Department of Health and Family Welfare
Government of Karnataka
#105, 1st floor, Vikasa Soudha,
Bengaluru-560001.