

Central Information Commission

CIC/AD/C/2009/000741
Dated 8th March, 2010

Adjunct to the Order No.CIC/AD/C/2009/000741

Dated 20.11.09 in the case of

Mr. K. Balasunder

v/s.

Ministry of Environment & Forests

Hearing was held on 8th March, 2010

1. The Order given by the Commission on 20.11.09 in the above case is as follows:
 - i) *After due consideration of submissions by both parties, the Commission directs the Appellant to provide one more set of certified copies of documents to the Appellant besides an affidavit on non-judicial stamp paper informing about the non-availability of the 10 documents out of the 15 sought by the Appellant and the reasons for the same, by 25 December, 2009. The Appellant is also directed to pay the RTI Fee within 2 days of the date of hearing and the CPIO.*
2. The Complainant complained that he received two letters dated 11.12.09 and 14.12.09 each enclosing papers purporting to be affidavits which are not affidavits in the eyes of law. They are firstly undated and secondly do not contain a verification or an affirmation clause and are further not attested such attestation being mandated by law. He also added that the contents of the two affidavits do not amount to statement made on oath and sworn before such authority as may be prescribed by law. The Complainant further stated that it is therefore obvious that the Respondent had all along been and continues to be, in possession of all the fifteen documents that find mention in the note sheet with reference to the facility and added that Respondent has willfully and deliberately suppressed the production of all the documents probably on account of the sensitivity of the facility and the staunch opposition it is likely to receive from environment experts and activists on the catastrophes it is likely to unleash in the area either during its operations or

in the event of an accident. The Respondent is therefore bound to furnish copies of all the documents that find place in the note sheet to him.

3. The Complainant was present during the hearing.
1. Mr.E. Thirunavulukarasu, Dy. Director and Mr.Ravi, PA represented the Public Authority.

Decision

5. The Respondent submitted during the hearing that some of 10 documents which were initially reported as not available have since been located in the PVC Division. No efforts were made initially to trace the documents as the Appellant, according to the Respondent, had indicated that he wanted information related to construction of Marine Terminal in his RTI request. Hence the focus initially was on information available in the Division dealing with the subject . Subsequently, after the first hearing at the Commission, based on some references to the construction of the Marine Terminal, which the Respondent came across in some documents in his Division, further efforts were made to locate them and some of the desired documents were located in the PVC Division.
5. The PIO is hence directed to provide the attested copies of the new documents located to the Appellant besides an affidavit to the Commission with a copy to the Appellant, as explained during the hearing, mentioning about the non-availability of the remaining documents and stating that all available information has been provided by the PIO. The information to be provided within 10 days after the date of hearing and the affidavit to the Commission by 10 April, 2010..
7. The Commission directs the PIO to showcause as to why penalty should not be imposed upon him for not furnishing all the information available with the Public Authority at the time of replying to the RTI application. The response to reach the Commission by 19 April, 2010.

(Annapurna Dixit)

Information Commissioner

Authenticated true copy:

(G. Subramanian)
Deputy Registrar

Cc:

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3. The Appellate Authority
4. Officer in charge, NIC
5. Press E Group, CIC