

Central Information Commission

Dr RA Yadav appeared before me as directed in the Decision of 27/3/06 in the case of Bobby Verma and others vs. Directorate of Education, Delhi to show cause why he should not be penalized for the delay in providing information under the Act. Dr Yadav covers two Districts and is therefore PIO in all 40 appeals. His arguments were three:

- I. Information asked for has now been supplied to all 40 applicants, duly amended including the left out at the time of the appeal before the Commission
- II. The delay in providing the information arose from the lack of clarity in whether or not the public schools which are private institutions fall within the purview of the definition of 'public authority' under the Act. The confusion arose from a ruling of the Public Grievances Commissioner, NCT Delhi, before the promulgation of the national RTI Act under the Delhi Act. A copy of this decision is on file
- III. The matter now stands clarified from the Decision of the CIC and such a mistake will not recur.

Having gone through the papers and heard Dr Yadav's explanation, I find that as clarified by us in the Decision, there should have been no confusion over whether the schools fell under the mischief of the Act, since the Directorate was responsible for the enforcement of government's reservation policy, and the schools required only to implement it. The information regarding enforcement which is the Directorate's responsibility is expected to be with the Directorate. If it is not being maintained the Directorate is expected to provide that information. However, because the Directorate lacked clarity of focus and the confusion was genuine, we cannot conclude that the information was withheld with malafide intent. No financial penalty is therefore imposed but the PIO and the Directorate are warned that so lenient a view is unlikely to be taken in any future case of this

nature and the Department will be held to its commitment that such a lapse will not be repeated.

This may be conveyed to Dr Yadav and to the appellants.

(Wajahat Habibullah)
10/4/'06

Registrar