

## **CENTRAL INFORMATION COMMISSION**

Complaint No: CIC/WB/A/2006/00008

Dated: 23/5/06

### Imposition of Penalty – Section 20

Name of Appellant: Shri Ravinder Kumar

Name of Public Authority: MCD

The file has been examined. The information sought by appellant Ravinder Kumar Bansal in accordance with the Commission's Decision Notice of March 1, 2006 was stated by Director (DEMS)-1 in a letter of 23/3/06 to the appellant to have been provided, but the appellant found this information 'wrong and incomplete' (p5/N). However, in his report No.DNR/DEMS/2006/1316 of 13/4/06, Director-in-Chief DEMS, MCD has referred also to letter No. DIR/DEMS-I/2006/1292 of 29/3/2006 under which remaining information is stated to have been provided. We have received no further complaint from appellant Ravinder Kumar. Assistant Registrar will confirm from him that he has indeed received the information requested.

The Director-in-Chief vide his reference of 13/4/06 has also conceded that 'SSs of the Zones have delayed in replying the ID references for which recordable warning have been proposed against all the defaulting officers/officials'. Under Sec 20 (1) of the Right to Information Act, 2005, the Information Commission must satisfy itself that the CPIO has without reasonable cause:

- i. Refused to receive an application
- ii. Not furnished information within the specified time frame
- iii. Malafidely denied information
- iv. Knowingly given incorrect, incomplete or misleading information
- v. Destroyed information/obstructed giving information.

Of the above it is seen that the CPIO of MCD concedes that the action of SSs of MCD are in fact in violation of ii) above, and no reasonable cause has been pleaded. However, the Show Cause Notice as noted by the CPIO himself was with reference to the delay in providing information by November 27, 2005. The matter was placed before the full Commission, after which CPIO, MCD was given a personal hearing on May 23,2006, attended by Shri Anil Prakash, Director in Chief (DEMS) and CPIO, assisted by S/Shri LS Pal, Director (DEMS)-I, U Vaswani, Joint Director (DEMS)-V and GG Tandon, Executive Engineer (DEMS) P&M.

The CPIO has pleaded that delays have indeed occurred but that although efforts were made by the department as well as replies submitted by the SSs of 12 Zones concerned, frequent transfers brought about the delay. The CPIO has submitted details of transfers made which indicate that Shri Anil Prakash himself took charge only on 1/12/05. Although the appellant Ravinder Kumar had made his request on 27/10/05, the then CPIO issued him an ID only on 25/11/05, which indicates initiation of action by the public authority for providing information. Under such circumstances, although the Commission is mandated to impose a penalty for the delay it is not possible to pinpoint the CPIO to be held liable. Recourse is therefore taken to Sec 20 (2), under which it is found that the public authority has found the SSs liable for the delay u/s 5 (5) of the Act and has already issued them a recorded warning. The public authority will also ensure that such delays are not repeated in dealing with citizens' requests.

Notice of this decision is given to the parties.

(MM Ansari)

Information Commissioner

(Wajahat Habibullah)

Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission:

(PK Gera)

6/6/06