

CENTRAL INFORMATION COMMISSION

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F.No.CIC/PB/A/2006/00074

Dated the 28th June, 2006

Appellant: Shri Amal Das, 9, Vivek Apartments, Jetty Road, Nani Daman, Daman (UT)-396 210.

Respondents: Shri Arun Mishra, PIO & Asstt. Director (Tourism), UT Administration of Daman & Diu, Directorate of Tourism, Nani Daman-396 210.

Shri Dharmendra, CPIO & Development Commissioner, Adminsitration of Daman & Diu, Secretariat, Daman.

This is the complaint filed under Section 18 of the RTI Act by Shri Amal Das against the order dated the 4th May, 06 of the CPIO, Shri Dharmendra. The complainant's case is that filed on 13th February, 06 an application for the following information before the CPIO:-

- a. How Tourism Department leased out lands to private parties which had been notified as the Reserved forests?
- b. Whether the objections from the Forest Department had been taken into account while leasing out lands notified as Reserved Forests?
- c. Whether the directions of the Supreme Court to obtain approval from the Central Government had been followed while leasing out Reserved Forests to private parties? If yes, please provide copies of the approval from the Central Government.
- d. If the reply of the question no. b is "No", then whether the Administration is taking/planning to take any step(s) to revoke the Lease Agreements?
- e. Whether the Administration/Forest Department has taken/is planning to take any step(s) to inquire into, determine and demark pieces of lands as Reserved Forests by the Forest Settlement Officer? If yes, when the process would be completed?
- f. Whether the Daman Administration is aware of the fact that there are lots of illegal constructions are coming up on the beaches? If yes, then why the Administration is not taking any step to stop the illegal construction and to launch a demolition drive?"

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2. The information was supplied to him through the PIO, Shri Arun Mishra's letter dated 13.2.06. Subsequently, the appellant filed a petition before the AA on 22.3.06, but the AA passed no orders.

3. The complaint before the Commission is for the delay which was caused by the CPIO in providing the information. Before me is an order purported to have been issued by the "Chief" Public Information Officer of the Administration of the Union Territory of Daman and Diu dated the 4th May, 06 in which replies to the queries of the appellant have been provided. I also find a communication dated 10.5.06 and another letter addressed to Shri Amal Das dated 19.5.06 in which point-wise replies to the appellant have been provided.

4. As it stands now the appellant has received the information he had sought and he does not dispute that his grievance is against the delays caused in giving the information to him. Section 20 of the RTI Act states that delays caused in disseminating the information to a requestor without any "reasonable cause" will attract the penalty provisions prescribed in the section. In this case, the point for decision is that the delay, which no doubt did occur was due to a reasonable cause.

5. The PIO and the AA have taken the plea that they were engaged in some important work such as budget preparation, financial year closing, preparation of agenda etc. for high level meetings, elections and so on. Pressed for time as they were, they could not reply to the requestor within the stipulated time. Given the nature of the requestor's queries, consultation with the Legal Department also became necessary, which consumed a good lot of time. In any case, all care has been taken to provide him with clear and accurate information. From the material before me, I am inclined to agree with the CPIO that the delay caused by him was not deliberate or without reasonable cause. As such, I am not inclined to invoke the penalty provisions against him. The complaint is, therefore, dismissed.

(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by –

(P.K. GERA)
REGISTRAR

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Address of parties:

1. Shri Amal Das, 9, Vivek Apartments, Jetty Road, Nani Daman, Daman (UT)-396 210.
2. Shri Arun Mishra, PIO & Asstt. Director (Tourism), UT Administration of Daman & Diu, Directorate of Tourism, Nani Daman-396 210.
3. Shri Dharmendra, CPIO & Development Commissioner, Adminsitration of Daman & Diu, Secretariat, Daman.