

# CENTRAL INFORMATION COMMISSION

Club Building, Old JNU Campus,  
Opp. Ber Sarai, New Delhi -110 067.  
Tel: + 91 11 26161796

Decision No. CIC/SG/C/2009/000041/3093Penalty  
Complaint No. CIC/SG/C/2009/000041

Complaint : Mr. Vrashabh Prasad Jain  
B-1/23, Sector-G,  
Jankipuram,  
Lucknow-226021.

Respondent : Mr. B.S. Mirge  
Public Information Officer  
**Mahatma Gandhi International Hindi  
University,**  
Panchtila, Umri, Vradha,  
Maharashtra.

RTI application filed on : 05/08/2008  
PIO replied : Not Mentioned  
First appeal filed on : 05/09/2008  
First Appellate Authority order : Not Mentioned  
Complaint filed received on : 14/03/2009

## **Background:**

The Complainant in his RTI application has sought details of petitioner and respondents in the case no. 1428/2004, 2270/2004 and 2327/2007 in High Court, Lucknow Bench and he has also asked about the details of officers who arranged payment for processing of the above mentioned cases. He has enquired about the payment made to Mr. Dharmadhikari, Mr. Deepak Sriwastwa, Mr. Sharad Sriwastawa and said that there is no correlation in all the expenditure in regard of travel allowance made by the employees and officers of Mahatma Gandhi International Hindi University. He wanted to know about the action taken, dimensions and recommendation of Committee made by the Chancellor in regard of researchers, salary paid to Dr. Jain including all allowances, amount paid to Dr. Shivshanker Mishra (Inspection Officer) in the form of allowances, name of the PIO and First Appellate Authority and the copy of the circular by which it was advertised.

## **The PIO's Reply:**

Not Replied.

## **The First Complainant Authority's Order:**

Not Mentioned.

Since there was no reply from the PIO and the appellate authority the complainant filed a Complaint before the Commission on 24/03/2009. The Commission issued a notice on 12 February 2009. Subsequently the PIO provided the information to the Complainant.

The Complainant not satisfied with the information provided, filed a complaint before the Commission.

**Relevant Facts emerged during Hearing on 06/05/2009:**

“The following were present:

Complainant: Mr. Brishabh Prasad Jain

Respondent: Mr. Manoj Kumar Rai PIO

The information has been supplied to the Complainant .

The following information will be given to the Complainant :

1. The copy of the Executive Council’s minutes of meeting dated 10/10/98.
2. A copy of the letter from Mr. N. Sundaram member, Executive Council written to the Complainant asking for his biodata on 5 November 1998.
3. Photocopies of all the agenda notes of all the meetings of the Executive council from 2004 to 2008.

**Decision:**

The Complaint is allowed.

The PIO will give the information described above to the Complainant before 20 May 2009.”

**Relevant Facts emerged during Showcause Hearing 02/09/2009:**

“Complaint : Mr. Vrashabh Prasad Jain

Respondent : Mr. B.S.Mirge, PIO

The Commission had ordered that on three points mentioned above must be given to the Complainant before 20 May 2009. The Complainant states that the minutes of meeting dated 10/10/1998 had not been provided to him. Instead he has been given the agenda of that day. On point 2 the PIO has also stated that copy of the letter from Mr. N. Sundaram member, Executive Council written to the Complainant asking for his biodata on 5 November 1998 is not available. None of the copies of the Agenda notes of the meetings of the Executive Council from 2004 to 2008 have been provided; instead agendas have been provided. The Complainant has also give a letter to the PIO outlining the deficiencies. This misleading and incomplete information has been sent to the Complainant on 14/08/2009. The PIO Mr. B.S.Mirge has been the PIO form 24/06/2009 thus on 14/08/2009 he was responsible for giving the incomplete information to the Complainant. He is asked to explain why & how he had done this. He is not able to give any explanation. The Commission sees this as a fit case for applying the provision of Section 20 (1).

The Commission will penalize Mr. B.S.Mirge, PIO at the rate of Rs.250/- per day of delay as per Section 20(1) from 14/08/2009 untill such time as the complete and correct information is given to the Complainant. The Final Penalty Order will be issued when the complete information is provided to the Complainant. The Final amount of penalty will be decided when the PIO gives the Complete and Correct information to the Complainant.”

**Note:** The Commission received a letter from the Complainant dated 20/10/2009 in which he alleged that the information provided to him is not in compliance with the Decision of the Commission. Hence a Showcause notice was issued to the PIO and he was directed to appear before the Commission on 12/03/2010.

**Relevant Facts emerged during Showcause Hearing 02/09/2009:**

Complainant : Mr. Vrashabh Prasad Jain;

Respondent : Mr. B.S.Mirge, PIO & Public Relation Officer;

The PIO has given the information to the Complainant on 05/10/2009. The Complainant contends that certain important documents have not been given to him and during inspection he also did not find them. The papers he is seeking relate to 1998 and he was himself the Director of the Institute until 2007. It is impossible to decide when these papers may have gone missing.

The PIO Mr. Mirge had been clearly instructed during the hearings to provide all the information dully attested to the Complainant. The instructions to attest all the information provided was given to him in hindi as well as in marathi. It has been noticed that time and again the PIO has not been giving information promptly to the Complainant and not providing dully attested information appears to be an act of malafide. The Commission asked Mr. Mirge the reason fro not giving attestation on the photocopies provided to the Complainant. The PIO states that he was not given written instructions about this. It is a matter of commonsense that any photocopy given under RTI must be given dully attested to ensure that the Complainant can use it whenever he wants. The PIO has no reasonable cause to offer for not attesting the documents provided to the Complainant.

The Commission sees this as a fit case for levy of penalty under Section 20(1) of the RTI Act. Since the delay in providing the complete information dully attested has been over 100 days the Commission penalized Mr. B. S. Mirge the maximum penalty of Rs.25000/- as per the RTI Act.

### **Decision:**

The Commission directs Mr. B. S. Mirge to attest the information and again provided it to the Complainant before 30/03/2010. The Commission finds this as a fit case to levy penalty under Section 20(1) of the RTI Act. Since the delay has been over 100 days, the Commission levies a penalty of Rs. 25,000/- on Mr. B.S.Mirge, PIO & Public Relation Officer.

The Vice Chancellor, Mahatma Gandhi International Hindi University is directed to recover the amount of Rs.25000/- from the salary of Mr. B.S.Mirge, and remit the same by a demand draft or a Banker's Cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Central Information Commission, 2<sup>nd</sup> Floor, August Kranti Bhawan, New Delhi – 110066. The amount may be deducted at the rate of Rs.5000/ per month every month from the salary of Mr. B.S.Mirge and remitted by the 10<sup>th</sup> of every month starting from April 2010. The total amount of Rs.25000 /- will be remitted by August 2010.

**Shailesh Gandhi**  
**Information Commissioner**  
**12 March 2010**

1. The Vice Chancellor  
Mahatma Gandhi International Hindi University  
Panchtila, Umri, Vradha,  
Maharashtra.
  
- 2- Shri Pankaj K.P. Shreyaskar,  
Joint Registrar and Deputy Secretary  
Central Information Commission,  
2nd Floor, August Kranti Bhawan,  
New Delhi – 110066