

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/000071/7158
Complaint No. CIC/SG/C/2010/000071

Complainant : Mr. Bibhu Raj Kumar
B-Type, Quarter No.12,
Angapathra, P.O-Katrasgarh
Dist:-Dhanbad, Jharkhand-828113

Respondent : Public Information Officer
All India Council For Technical Education
QA Bureau, NBCC Place
4th Floor, Eastern Tower
Bhisham Pitmah Marg, Pargati Vihar
Lodhi Road, New Delhi-110003

Facts arising from the Complaint:

Mr. Bibhu Raj Kumar had filed a RTI application with the PIO, AICTE (QA Bureau), NBCC Place, Lodi Road, New Delhi on 02/09/2009 asking for certain information. However on not having received the information within the mandated time, the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. On this basis, the Commission issued a notice to the PIO, AICTE, NBCC Place, Lodi Road, New Delhi on 23/01/2010 with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission has neither received a copy of the information sent to the Complainant, nor has it received any explanation from the PIO for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the PIO has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act. Failure on the part of the PIO to respond to the Commission's notice shows that there is no reasonable cause for the refusal of information.

Decision:

The Complaint is allowed.

In view of the aforesaid the PIO is directed to provide the complete information in regard to the RTI Application dated 02/09/2009 to the Complainant before **05/04/2010**. Proof of dispatch of information should be sent to the Commission before **08/03/2010**. From the facts before the Commission, it appears that you have not provided the correct and complete information within the mandated time and has failed to comply with the provisions of the RTI Act. The delay and inaction on the PIO's part in providing the information amounts to willful disobedience of the Commission's direction as well and also raises a reasonable doubt that the denial of information may be malafide.

The PIO is hereby directed to present himself before the Commission on **27/04/2010** at **10.00am** along with his written submissions to show cause why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) and (2) of the RTI Act. Further, the PIO may serve this notice to such person(s) who are responsible for this delay in providing the information, and may direct them to be present before the Commission along with the PIO on the aforesaid scheduled date and time. If the information has already been supplied to the complainant, bring a copy of the same to the Commission with your written submissions, and also proof of seeking assistance from other person(s), if any.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005.

Shailesh Gandhi
Information Commissioner
15/03/2010

Encl: Copy of RTI Application dated 02/09/2009.

(In any correspondence on this decision, mention the complete decision number.)(SP)

