

CENTRAL INFORMATION COMMISSION
Club Building, Old JNU Campus,
Opposite Ber Sarai, New Delhi -110067
Tel: + 91 11 26161796

Decision No. CIC /OK/C/2008/00447/SG/1212Adjunct-I
Complaint No. CIC/OK/C/2008/00447/SG

SHOWCAUSE HEARING:

Complainant : Dr. M.K. Shrimali,
D-63, Staff Colony,
Malaviya National Institute of Technology,
JLN Marg, Jaipur-302017

Respondent : Public Information Officer,
Malaviya National Institute of Technology, Jaipur,
(Under MHRD, Govt. of India),
JLN Marg, Jaipur-302017

Background:

Dr. M.K. Shrimali, had filed a RTI application with Dr. Anurag Misra, Central Public Information Officer, Registrar, Malaviya National Institute of Technology, Jaipur on 04/02/2008 asking for certain information. Since no reply was received within the mandated time of 30 days, she had filed a complaint under Section 18 to the Commission.

The Commission issued a notice to the PIO asking him to supply the information and sought an explanation for not furnishing the information within the mandated time. The PIO has informed the Commission that the information has been sent to the complainant on 03/03/2008, 24/03/2008 and again on 01/01/2009 and has furnished the proof of the same.

Commission's Decision on 21/01/2009:

The Commission disposed Off the Complaint as the PIO had provided the information to the applicant within 30 days as mandated under Section 7 (1) of the RTI Act.

Reasons for Show cause:

The Commission received a letter dated 01/07/2009 from the Complainant stating that the information provided to him was incomplete. Based on this Commission issued a show cause notice dated 04/08/2009 to the PIO and asked him to be present before the Commission on 26/08/2009.

Relevant Facts during the Show Cause Hearing on 26/08/2009:

“The following were present:

Respondent: Mr. Suresh Chandra, PIO

The PIO has submitted that the information has been sent to the Complainant on several occasions and he has also offered inspection of the relevant files. According to him the Complainant refuses to sign his attendance during inspection and he has also refused to receive the photocopy of information sent to him through hand delivery after the

Commission's show cause notice. He has sent the information by registered post and has also submitted a copy with the Commission.

The Complainant was contacted on the phone and he stated that the information provided to him with regard to Query 1 and 2 is incomplete. He states he has not refused inspection. He also states that a FIR has not been filed with regard to the missing files. However, it is noted that no such direction has been given by the Commission in this case.

The Commission directs the PIO to facilitate inspection of all relevant files relating to Query 1 and 2 on **11/09/2009** at **11 am**. If the Complainant wishes he will be given photocopies of records free of cost upto 300 pages. If some files are missing then a Police Complaint will be filed, a copy of which will be given to the Complainant and the Commission before 26/09/2009. If a Police Complaint has already been filed with regard to certain files, the same should be given to the Complainant and the Commission before 26/09/2009. An inspection report will be prepared which will list the files that have been provided to the Appellant for inspection. A categorical statement will be made by the PIO that he has no further records with regard to the information sought by the Appellant, other than that made available during inspection. This report must be sent to the Commission by 26/09/2009."

Facts leading to Showcause dated 16/03/2010:

The Commission received a letter dated 01/10/2009 from the Complainant in which he alleged that the complete inspection as directed by the Commission was not facilitated to him. Nor any police complaint was filed. He also alleged that a proper inspection was not made available to him. Hence a showcause notice was issued to the PIO to appear before the Commission on 16/03/2010 to showcause why penalty under Section 20(1) should not be levied on him for defying the order of the Commission.

There are some non-compliances in order nos. of CIC/OK/C/2008/00447/SG/1212, CIC/SG/C/2009/000194/3205 and CIC/SG/C/2009/000773/4483.

Relevant Facts emerging during Hearing 16 March 2010:

The following were present:

Complainant : Dr. S. D. Bharti;

Respondent : Prof. Anurag Mishra CPIO & Prof. Department of Structural Engineering;

Mr. Anshu Saxena, Dealing Assistance and deemed PIO;

The Commission notices that the Institutes appears to have very poor record in terms of providing information under Right to Information. The PIO Prof. Anurag Mishra has already been penalized under Section 20(1). The Commission now directs the PIO to facilitate an inspection of all the records relating to the RTI application filed by the Complainant on 28, 29 and 30 April 2010 from 10.00AM onwards.

An inspection report will be prepared signed by both listing the files and records inspected by the Complainant. If any of the files or records does not exist a certificate to this effect will be given. If any files are claimed to be lost/stolen this will be stated and a police complaint made about these giving the name of the person who last handled this file. As regards the file relating to Carrier Advancement Scheme 2004 the PIO has filed a police complaint stating that it is stolen/lost. The Complainant insists that this file has been used in 2008 during pay

fixation. The PIO states that the pay fixation was based on photocopies of records that were available and that file was not available. The PIO will find out if the following documents with respect to this file are available or lost:

- 1- Application forms.
- 2- Screening Committee recommendations.
- 3- Attendance Sheet.
- 4- Selection Committee recommendations.

If any of these are available photocopies of these will be provided or a certificate will be issued that these are lost.

Adjunct Decision announced on 16 March 2010:

The PIO will facilitate an inspection of the relevant file to the Complainant and Dr. M. K. Shrimali as described above. An inspection report will also be prepared as detailed above. Photocopies of the records that the Complainants wants will be supplied free of cost upto 500 pages.

This decision is announced in open chamber.

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.

Shailesh Gandhi
Information Commissioner
16 March 2010