

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

Decision No. CIC/SG/C/2009/001561/6861Penalty
Appeal No. CIC/SG/C/2009/001561

Complainant : Dr. S. D. Bharti
D-57, Staff Colony,
Malviya National Institute of Technology
Jaipur-302017, Rajsthan.

Respondent : Prof. Anurag Mishra
CPIO & Prof. Department of Structural Engineering
Malviya National Institute of Technology
Jaipur-302017, Rajasthan.

RTI application filed on : 17/06/2009
PIO replied : Not replied
First appeal filed on : 21/07/2009
Complaint filed on : 03/11/2009
Complaint received on : 09/11/2009
Complaint notice sent on : 10/11/2009
Hearing notice sent on : 13/01/2010
Hearing held on : 16/02/2010

Information Sought:

1. Copy of the annual report off MNIT Jaipur as mandated under Section 25(2) of the RTI Act 2005, for last three years and the report must contain all the details as mandated under Section 25(3).
2. Copy of Show cause notices issued by the CIC, New Delhi to the CPIO, MNIT, Jaipur and the reply give by the Institute and the subsequent decision made by the CIC on the reply (For last three years).

PIO's Reply:

Not mentioned.

Ground of the First Appeal:

Non-receipt of proper information from the PIO within the stipulated time under RTI Act.

Ground of the Complaint:

Non-receipt of proper information from the PIO within the stipulated time under RTI Act.

Submission from the Complainant:

(After the Complaint notice sent on 10/11/2009)

The Complainant vide his letter dated 15/12/2009 has informed the Commission the information provided by the CPIO vide its letter dated 26/11/2009 was incomplete.

Relevant Facts emerging during Hearing 16 February 2010:

“The following were present:

Complainant : Dr. S. D. Bharti on video conference from NIC-Jaipur Studio;

Respondent : Dr. Sandeep Chaudhary, APIO & Reader;

The Complainant states that he had filed RTI application on 17/06/2009 which has been received at the registrar's officer on 17/06/2009. The information should have been received by him by 17/07/2009. Instead the first partial reply was received by him on 26/11/2009 and subsequently in bits and pieces information has been provided to him. Even now he is able to show that the Section 25 report does not appear to be true reflection of actual facts. He is also arguing that MNIT-Jaipur does not even appear to know how many showcause notices were issued by CIC. He has thus fairly conclusively proved that the MNIT Jaipur has been treating its discharge of duties very casually. The Respondent states that the person responsible for this delay in providing the information is Prof. Anurag Mishra CPIO and Mr. Anshu Saxena Dealing Assistance (RTI).

Decision:

The Complaint is allowed.

The PIO is directed to provide the complete accurate information to the Complainant before 28 February 2010.

The issue before the Commission is of not supplying the complete, required information by Prof. Anurag Mishra CPIO and Mr. Anshu Saxena Dealing Assistance within 30 days as required by the law.

From the facts before the Commission it is apparent that Prof. Anurag Mishra CPIO and Mr. Anshu Saxena Dealing Assistance are guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act.

It appears that their actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to them, and they are directed give their reasons to the Commission to show cause why penalty should not be levied on them.

Prof. Anurag Mishra CPIO and Mr. Anshu Saxena Dealing Assistance will present themselves before the Commission at the above address on **16 March 2010 at 10.00AM** alongwith their written submissions showing cause why penalty should not be imposed on them as mandated under Section 20 (1). They will also submit proof of having given the information to the appellant. If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.”

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 complete information has been provided to the Complainant by the PIO on 03/03/2010. Prof. Anurag Mishra was asked for the reasons for the delay. He has given a written submissions to the Commission in which he states that he has only one dealing assistance Mr. Anshu Saxena to deal with RTI applications and the legal cases of the service matter of the

Institute. He states that he is trying to act promptly and the delay was due to the large information to be collected from different files and over burden of work.

The PIO Dr. Anurag Mishra has not been able to give any reasonable cause for the delay in providing the information. The RTI application was filed on 17/06/2009. Hence the information should have been provided by 17/07/2009 instead of which it was supplied completely on 03/03/2010. The Commission sees this as a fit case for levy of penalty under Section 20(1) of the RTI Act. Since the delay has been over 100 days the Commission penalizes Prof. Anurag Mishra, PIO the maximum penalty of Rs.25000/- leviable under the RTI Act.

Decision:

As per the provisions of Section 20 (1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Dr. Anurag Mishra CPIO & Prof. Department of Structural Engineering. Since the delay in providing the correct information has been over 100 days, the Commission is passing an order penalizing Dr. Anurag Mishra for Rs. 25000/ which is the maximum penalty under the Act.

The Director, Malviya National Institute of Technology is directed to recover the amount of Rs.25000/- from the salary of Dr. Anurag Mishra 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, 2nd 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 Dr. Anurag Mishra and remitted by the 10th of every month starting from April 2010. The total amount of Rs.25000 /- will be remitted by 10th of August, 2010.

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

(For any further correspondence in this matter, please quote the file number mentioned above.) (GJ)

- 1- Prof. R. P. Dahiya
Director,
Malviya National Institute of Technology
Jaipur-302017, Rajasthan.
2. Shri Pankaj K.P. Shreyaskar,
Joint Registrar and Deputy Secretary
Central Information Commission,
2nd Floor, August Kranti Bhawan,
New Delhi – 110066