

Central Information Commission

Mr.Satish vs Mcd, Gndt Delhi on 7 September, 2011

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

Decision No. CIC/SG/C/2011/00074
Complaint No. CIC/SG/C/2011/

Complainant	:	Mr. Satish D-1025, Shiv Vihar, J.J.Colony, Hastsaal, Uttam Nagar, Delhi.
Respondent	:	Public Information Officer Municipal Corporation of Delhi, Dr.Shyam Prasad Mukherjee Bhawan, Civic Cen Minto Road, New Delhi-110002.

Facts

arising from the Complaint:

The Complainant had filed a RTI application with the Respondent PIO on 04/05/2011 asking for certain information. On not having received any information within the mandated time the Complainant filed a Complaint under Section 18 of the RTI Act before the Commission. On this basis, the Commission issued a notice to the Respondent PIO on 15/07/2011 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 Respondent for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the Respondent 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 Respondent 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 Respondent is hereby directed to provide complete and specific information with respect to the RTI application dated 04/05/2011 to the Complainant before 27th September 2011 with a copy to the Commission.

From the facts before the Commission, it appears that the Respondent has 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 Respondent's part in providing the information, amounts to willful disobedience of the Commission's direction and also raises a reasonable doubt that the denial of information may be malafide.

The Respondent is hereby directed to submit before this Commission his written submissions to show cause why penalty should not be imposed and disciplinary action should not be recommended against him under Section 20 (1) and (2) of the RTI Act for the delay caused in providing information to the Complainant. Further, the PIO may serve this notice to any other official(s) who are responsible for this delay in providing the information, and may direct them to submit their written submissions along with him. This should reach the Commission before 30th September 2011.

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 7th September 2011 (In any correspondence on this decision, mention the complete decision number.)(RJ)