

Central Information Commission

Mr.Mohd Rizwan vs Ministry Of External Affairs on 23 September, 2011

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/AD/C/2011/001100/SG/14837

Complaint No. CIC/AD/C/2011/001100/SG

Complainant : Mr. Mohammad Rizwan  
484/39, Bhisti Tola  
Daaliganj, Lucknow-226020

Respondent : Central Public Information Officer  
Regional Passport Officer  
Regional Passport Office Complex  
(Behind RBI), Vipin Khand,  
Gomti Nagar, Lucknow-226010

Facts

arising from the Complaint:

Mr. Mohammad Rizwan had filed a RTI application with the PIO, Regional Passport Office, Lucknow on 12/10/2009 asking for certain information. However on not having received any further 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 Respondent on 09/07/2011 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 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 hereby directed to provide the complete information in regard to the RTI Application dated 12/10/2009 to the Complainant before 13/10/2011 with a copy to the

Commission. 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 send his written submissions to the Commission before 17/10/2011 to show cause why penalty should not be imposed and disciplinary action be not recommended against him under Section 20 (1) and (2) of the RTI Act. If the information has already been supplied to the complainant, send a copy of the same to the Commission with your written submissions, and also copy of 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 23 September 2011 Encl: RTI Application dated 12/10/2009.

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