

Central Information Commission

Mr.Pradeep Kumar Shukla vs Ministry Of Environment And ... on 25 August, 2011

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/AD/C/2011/000543/SG/14244

Complaint No. CIC/AD/C/2011/000543/SG

Complainant	:	Mr. Pradeep Kumar Shukla Village- Barewa, P.O-Bharehatha (Chunar), Mirzapur, U.P-231304
Respondent	:	Public Information Officer Scientist 'E' Ministry of Environment and Forests C.P Division, Room No.556 Paryavaran Bhawan, Lodi Road New Delhi-110510

Facts

arising from the Complaint:

Mr. Pradeep Kumar Shukla had filed a RTI application with the PIO/Secretary, Ministry of Environment & Forests, New Delhi on 08/11/2010 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, Ministry of Environment & Forests, New Delhi on 07/07/2011 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 received a letter dated 27/07/2011 from the Respondent viz CPIO/Scientist 'E' wherein it has been stated that the Complainant had filed multiple RTI Applications with the public authority on various environmental issues. Further stating that information with regard to the RTI Application based on which the present Complaint has been filed with the Commission has been provided to the Complainant vide letter dated 21/01/2011. Copy of few communications including that of information was also enclosed. However on perusal of the information provided it has been observed that it is not with regard to the RTI Application of the present matter. The information enclosed appears to be pertaining to some other RTI Application filed on the same date concerning brick clins and stone crushers. The RTI Application in the present matter concerns river ganga, for which no information appears to have been provided.

Decision:

The Complaint is allowed.

In view of the aforesaid, the PIO is hereby directed to provide the complete information in regard to the concerned RTI Application dated 08/11/2010 to the Complainant before 15/09/2011 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 20/09/2011 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 25 August 2011 Encl: RTI Application dated 08/11/2010 (In any correspondence on this decision, mention the complete decision number.)(SP)