

Central Information Commission

Mr.Brijesh Kumar vs Banaras Hindu University on 25 September, 2009

CENTRAL INFORMATION COMMISSION

Club Building, Opposite Ber Sarai Market,
Old JNU Campus, New Delhi - 110067.

Tel: +91-11-26161796

Decision No.CIC/SG/A/2009/001914/

Appeal No. CIC/SG/A/2009/00

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|---------------------------------|---|--|
| Appellant | : | Mr.Brijesh Kumar, Dehat Kotwali, Room No.-21 Mirzapur, U.P.-231001 |
| Respondent | : | Central Public Information Office O/o Vice- Chancellor(Education), Banaras Hindu University , Varanasi-221005 |
| RTI application filed on | : | 20/01/2009 |
| PIO replied | : | 20/02/2009 |
| First Appeal filed on | : | 13/05/2009 |
| First Appellate Authority order | : | Not mentioned. |
| Second Appeal Received on | : | 05/08/2009 |

Appellant sought eight queries in his original RTI Application. After reply of PIO, Appellant objected on the following 5 points out of 8.

S.No Information Sought

PIO's Reply

1. In addition to UGC, by which technical PIO mentioned that Appellant's council is Rajiv Gandhi South Building Application is transferred to Brakchaa, Mirzapur conducting courses like Department chief, Education Dept., B.Ed, MCA and B. Pharma (Ayurveda) Ayurveda Dept. and Science Dept. recognized? Provide the photocopy of that reorganization letter.
2. Is the permission given for above mentioned courses to above mentioned institute? Provide copy of permission letter.
3. Are above mentioned courses being B.Pharm (Ayurveda) is being conducting as special by the above conducting as special course and B. mentioned institute? Ed and MCA conducted under Paid sit.
7. Why had not been followed the minimum It is being requested to Department number of students required for special chief, Department of Ayurveda. courses in any year or session?
8. On what basis had the class B. It is being requested to Department Pharam(Ayurveda)first year) been opened chief, Law Department, Department and not opened for Law session? Clarify it. of Ayurveda.

Grounds for First Appeal:

1. Information regarding query no. 1 and 7 had not been provided.

2. Incomplete information provided to reply of query no. 1.

Order of the First Appellate Authority:
Not enclosed.

Grounds for Second Appeal:

1. Information regarding B. Pharma, Ayurveda was not provided.
2. Regarding query no. 1, 7 and 8 had not been provided.

Relevant Facts

emerging during Hearing:

The following were present Appellant: Absent Respondent: Absent A perusal of the papers shows that the information on queries 1, 7 & 8 have not been provided. It appears that the First Appellate Authority is guilty of dereliction of duty since he has not passed any order in the matter. The PIO has given no reason for not providing the information on queries 1, 7 & 8 but appears to have sought assistance under Section 5(4) from the appropriate officers who are holding the information. It appears that these officers have not provided the information.

Decision:

The appeal is allowed.

The PIO will collect the information from the deemed PIOs and give it to the appellant before 15 October 2009.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the Deemed PIOs 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 the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to them, and they are directed give his reasons to the Commission to show cause why penalty should not be levied on them.

They will present themselves before the Commission at the above address on 29 October 2009 at 12.00pm 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.

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 25 September 2009 (In any correspondence on this decision, mention the complete decision number.)Rnj