

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/C/2014/000297

Complainant : Shri Amresh Chandra Mathur
6/104, ChiranjivVihar, Ghaziabad
Uttar Pradesh-201002

Public Authority : The CPIO
M/o Skill Development & Entrepreneurship
NSDC, National Skill Development Corporation, Block-A,
Clarion Collection (Qutab Hotel), Shaheed Jeet Singh Marg
New Delhi-110016

Date of Hearing : 05.12.2016
Date of Decision : 05.12.2016

Presence:

Complainant : Shri Amresh Chandra Mathur
CPIO : Shri Kousik Chaltopadi, Sr. Officer & PIO and
Shri PSR Murthy, Consultant

FACTS:

- I. Vide RTI application dated **26.03.2014**, the Complainant sought information on **09 issues**.
- II. CPIO, vide its response dated **17.04.2014 & 19.06.2014**, reportedly not provided the information to the Complainant.
- III. The First Appeal (FA) was filed on **17.05.2014**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **24.09.2014**, are contained in the Memorandum of Complaint.

HEARING

Complainant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the complainant, vide his RTI Application dated **26.03.2014**, sought information from the respondents on 09 issues as contained therein. Respondents vide their responses dated **17.04.2014 & 19.06.2014**, provided the **vague & incomplete** information to the complainant on his RTI application dated **26.03.2014**.

Further, FA was filed by the complainant on **17.05.2014** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Being aggrieved by the aforesaid response, complainant has filed his complaint dated **09.11.2016** before the Commission. Thus, it is legally inferred required information has not been provided to the complainant on his RTI application dated **26.03.2014**.

2. It is pertinent to mention here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
3. It is further stated here that, as per **Section 18 (2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of the Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**.
4. The Commission heard the submissions made by complainant as well as respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **26.03.2014**, CPIO's responses dated **17.04.2014 & 19.06.2014** and also the contents of complaint.
5. By virtue of position above, the Commission seems to be, **prima facie, satisfied** under Section 18(2) of the RTI Act 2005, that there are **reasonable grounds** to proceed further by making a proper inquiry in the matter. As such, respondents are hereby directed to make a **full fledged inquiry** regarding the reasons as to why the complainant was not provided the complete & correct information on his RTI application dated **26.03.2014** and why the complainant's First Appeal dated **17.05.2014**, could not be disposed of by the Learned FAA **uptill now**.
6. In view of the position above and in the circumstances of the case, the Commission feels that it would be appropriate and even justified to direct Mr. Rohit Nandan, Secretary, Ministry of Skill Development & Entrepreneurship, to depute an officer (not below the rank of Joint Secretary) to conduct an inquiry in the matter and **submits the complete inquiry report** to the Commission, highlighting the reasons (i) for not providing the complete & correct information to the Complainant on his RTI application dated **26.03.2014**, and (ii) also not disposing of FA dated **17.05.2014** and also (iii) **identify the erring officers** of the respondents who are responsible for such **in-action** on their part, within 2 weeks **from the date of receipt of this order** to enable the

Commission to proceed in the matter further. Thus, Mr. Rohit Nandan, Secretary, Ministry of Skill Development & Entrepreneurship, is hereby directed accordingly.

7. Furthermore, Mr. Rohit Nandan, Secretary, Ministry of Skill Development & Entrepreneurship, may also depute the learned First Appellate Authorities and/or CPIOs concerned along with the **exhaustive inquiry reports** and also **the complete record** of the case, to present the case on behalf of respondents, before proceeding under **Section 18 read with 20 of the RTI Act 2005**. In case of failure, the Commission will be left with no option but to proceed u/s **18 read with Section 20 of the RTI Act 2005** on the basis of record made available in the case file.
8. Let the case be listed on **26th December, 2016 at 1020 hours** in the room no. 308, 2nd Floor, Bhikaji Cama Place, August Kranti Bhawan, New Delhi-110066, for further hearing/order. The parties concerned be informed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

Mr. Rohit Nandan,
Secretary,
Ministry of Skill Development & Entrepreneurship,
2nd Floor, Annexe Building Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi - 110001

The CPIO
M/o Skill Development & Entrepreneurship
NSDC, National Skill Development Corporation, Block-A,
Clarion Collection (Qutab Hotel), Shaheed Jeet Singh Marg
New Delhi-110016

Shri Amresh Chandra Mathur
6/104, Chiranjiv Vihar, Ghaziabad
Uttar Pradesh-201002