

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/YA/A/2014/000858/SB

Dated 26.09.2016

Appellant : Shri Prasanta Basu Ray,
Deziray Complex, Barabazar,
Chandannagar,
Distt. Hooghly-712 136.

Respondent : Central Public Information Officer,
Central Information Commission,
2nd Floor, B-Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110 066.

Date of Hearing : 26.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 19.03.2013
CPIO's reply : 24.06.2013
First appeal filed on : 30.07.2013
FAA's order : 13.09.2013
Second appeal filed on : 29.10.2013

ORDER

1. Shri Prasanta Basu Ray filed an application dated 19.03.2013 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information

Officer (CPIO), Central Information Commission (CIC) seeking information on eight points pertaining to allocation of video conferencing facility and functioning of CIC.

2. The appellant filed a second appeal dated 31.01.2014 before the Commission on the grounds that he is not satisfied with information provided to him by the CPIO as well as the First Appellate Authority (FAA).

Hearing:

3. The appellant Shri Prasanta Basu Ray attended the hearing through video conferencing. The respondent Shri A.K. Sharma, CPIO, CIC was present in person.

4. The appellant submitted that the information pertaining to query nos. 1-3 of the RTI application has not been provided to him. The appellant further submitted that the CPIO has provided information after a lapse of 84 days, hence, penalty should be imposed on the CPIO.

5. The respondent submitted that the CPIO has provided point-wise information to the appellant vide his letter dated 24.06.2013. The respondent further submitted that the FAA vide his order dated 13.09.2013 had directed the then CPIO to provide information on point no. 5(a) of the RTI application. The respondent also stated that in compliance with the order of the FAA information on point no. 5(a) of the RTI application was provided to the appellant vide letter dated 21.09.2013. The respondent further stated that FAA had observed that the information sought at para nos. 1, 2, 3 are in the nature of queries and hence are beyond the scope of the RTI Act. Nonetheless, the FAA had clarified that video conferencing is a facility provided to the citizens provided for facilitating the hearing of appeals. It cannot be claimed as a matter of right. The respondent also stated that the RTI Rules, 2012 only provide that the appellant may be present through video conferencing if the facility of VC is

available at the time of the hearing of the appeal. However, the VC facility depends on extraneous factors like connectivity, availability of slot and is also subject to technical errors that may occur at any point of time.

Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that information as per available record has been provided to the appellant by the respondent. The Commission further observes that though the information was provided after the lapse of the stipulated period of time, however, it cannot be said that the then CPIO intentionally and deliberately did not provide or obstructed the supply of information and therefore, there was no malafide intention of the respondent to withhold the information as the information was ultimately provided to the appellant. The Hon'ble Delhi High Court in the case of *Bhagat Singh Vs. CIC & Anrs.* WP(C) 3114/2007 in its order dated 03.12.2007 held that

"...this Court takes a serious note of the two years delay in releasing information, the lack adequate reasoning in the orders of the public information officer and the Appellate Authority and the lack of application of mind in relation to the nature of the information sought. The materials on record clearly show the lackadaisical approach of the second and third respondent in releasing the information sought. However, the petitioner has not been able to demonstrate that they malafidely denied the information sought. Therefore, a direction to the Central Information Commission to initiate action under Section 20 of the Act cannot be issued..."

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer