

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

शिकायत संख्या / Complaint No. CIC/DOEAF/C/2017/105166/ISPNR-BJ

Ms. Rashi Agrawal

.... शिकायतकर्ता /Complainant

VERSUS
बनाम

1. CPIO,
Security Printing and Minting Corporation of India Limited
16th Floor, Jawahar Vyapar Bhawan, Janpath,
New Delhi - 110001
2. CPIO,
Indian Security Press (ISP)
Nashik Road, Nashik - 422101

...प्रतिवादीगण /Respondents

Date of Hearing : 03.08.2018
Date of Decision : 06.08.2018

Date of RTI application	02.07.2016
CPIO's response	Not on Record
Date of the First Appeal	15.12.2016
First Appellate Authority's response	06.09.2016
Date of diarised receipt of Appeal by the Commission	24.01.2017

ORDER

FACTS:

The Complainant vide her RTI application sought information on 07 points regarding the date and diary number under which her First Appeal dated 09.11.2015 sent via speed post was received in the office of the FAA along with the certified copy of the Appellate order, if any, passed in the aforesaid appeal, present status with file noting of the Appeal, certified copies of all the communications exchanged between ISP, Nashik and Corporate Office and other issues related thereto.

Dissatisfied on non-receipt of any reply from the CPIO, the Complainant approached the FAA. The FAA, vide its order dated 06.09.2016 provided a point-wise reply to the Complainant.

Subsequently, the Commission was in receipt of an e-mail from the Complainant dated 16.07.2018 addressed to Hon'ble CIC, wherein it was written that she had lost faith in the

judgments delivered by the IC-BJ therefore, it was prayed to recuse him from the subject cases (present and future) including past show-cause proceedings cases related to ISP Nashik and refer it to other IC who could effectively and timely dispose off the case by conducting show-cause proceedings (wherever applicable).

However, it was noted that in several earlier instances such as Appeal No.:- CIC/CBECE/A/2017/124349/BJ- FINAL dated 29.06.2018 (Prakashchand C Jain vs. CPIO and Receipt Officer, Ombudsman), CIC/CCAPT/C/2017/604994-BJ + CIC/CCAPT/C/2017/606187-BJ + CIC/CCAPT/C/2017/ 606185-BJ+ CIC/CCAPT/C/2017/606292-BJ + CIC/CCAPT/C/2017/606189-BJ+ CIC/CCAPT /C/2017/606285-BJ + CIC/CCACH/C/2017/112751-BJ (Radha Raman Tripathy vs JCIT, Hazaribag/ Bokaro), Complaint No.:-CIC/CBECE/C/2017/314276-BJ-Final dated 01.01.2018 (Roopadevi M. vs. Assistant Commissioner, Air Customs Commissionerate, Bangalore), Complaint No.:- CIC/CCEXB/C/2017/310123-BJ- Final dated 01.01.2018 (Vijey M. vs. CPIO and Assistant Commissioner, Bangalore II, Commissionerate), requests of the Appellant/ Complainant to change the Information Commissioner/ forming Larger benches were not entertained by the Chief Information Commissioner.

HEARING:

Facts emerging during the hearing:

The following were present:

Complainant: Absent;

Respondent: Mr. K. P. Srivastava, Manager (OL)/PIO, New Delhi; Mr. Naveen Dogra, Assistant, New Delhi in person; and Mr. Ashish Avinashi, DM (HR), Nashik, Mr. Ved Prakash Kala, AM(HR), Nashik through VC;

The Complainant remained absent during the hearing. The Respondent explained that point wise reply had been sent to the Complainant vide its letter dated 29.07.2016. Besides this the Head Quarters at SPMCIL had designated a separate PIO and FAA for each unit and Corporate Office for providing the information held by their office. The details of the PIO and FAA of each unit were also uploaded on their website. Further, it was submitted that the Act requires the supply of such information only which already exists and held by the Public Authority. It was beyond the scope of the Act to create or collect part/full information which was available with other 09 Units. Consistently it was held that the information was available with the Nashik Unit which had an independent administrative setup. On perusal of the facts of the case, it was noted that the queries raised by the Complainant were general in nature and were not answered appropriately by the Head Office / ISP Nashik.

The Commission was in receipt of a written submission from the Respondent dated 24.07.2018 wherein while re-iterating the reply/order of the CPIO/FAA dated 29.07.2016/06.09.2016, it was submitted that the Complainant on receiving the speaking order from the FAA, Corporate Office had again filed another Appeal on 15.12.2016, which was not valid as per the provisions of the RTI Act, 2005, and the same was a clear case of misuse of the said Act. Therefore, it was prayed to the Commission to dispose off the case based of the above mentioned facts.

The Commission observed that there is complete negligence and laxity in the public authority in dealing with the RTI applications. It is abundantly clear that such matters are being ignored and set aside without application of mind which reflects disrespect towards the RTI Act, 2005 itself. The Commission expressed its displeasure on the casual and callous approach adopted by the

respondent in responding to the RTI application. It was felt that the conduct of respondent was against the spirit of the RTI Act, 2005 which was enacted to ensure greater transparency and effective access to the information.

DECISION

Keeping in view the facts of the case and the submissions made by the Respondent, it is evident that the transfer of RTI application u/s 6 (3) to the concerned PIO was not made by the Respondent (SPMCIL, New Delhi) vide its initial reply dated 29.07.2016 and that no reply had been furnished by the Respondent (ISP Nashik) subsequent to the transfer of points 03 and 05 of the RTI application by FAA, SPMCIL, vide letter dated 06.09.2016 which was a grave violation of the provisions of the RTI Act, 2005. The Commission, therefore instructs the CMD, SPMCIL to depute an officer of a senior rank to seek the explanation to the show cause notice from the concerned CPIOs and furnish the details sought by the Complainant within a period of 30 days from the date of receipt of this order failing which action under Section 20(1) of the RTI Act, 2005, shall be initiated. The CMD, SPMCIL is also directed to convene periodic conferences/seminars to sensitize, familiarize and educate the concerned officials about the relevant provisions of the RTI Act, 2005 for effective discharge of its duties and responsibilities.

The Complaint stands disposed accordingly.

Bimal Julka (बिमल जुल्का)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

K.L. Das (के.एल.दास)
Dy. Registrar (उप-पंजीयक)
011-26182598/ kl.das@nic.in
दिनांक / Date: 06.08.2018

Copy to:

- 1- The Secretary, Ministry of Finance, Department of Economic Affairs
North Block, New Delhi-110001
- 2- The Chairman & Managing Director, SPMCIL, Corporate Office, 16th Floor, Jawahar
Vyapar Bhavan, Janpath, New Delhi-110 001