

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/RM/A/2014/003953-SA

CIC/RM/A/2014/003972-SA

CIC/CC/A/2015/000738-SA

Nirmal Kanta Vs. Laxmi Bai College

Important Dates and time taken:

CIC/RM/A/2014/003953-SA

RTI/PIO: 20-2/24-3-2014	FA/FAO: 26-3/22-5-2014	2 nd Appeal: 22-5-2015
Adjourned-6-4-16, 2.30 pm	Hearing: 29-02-2016	Decision: 10-03-2016

CIC/RM/A/2014/003972-SA

RTI/PIO: 10-1/13-2-2014	FA/FAO: 19-2/14-3-2014	2 nd Appeal: 22-5-2015
Adjourned-6-4-16, 2.30 pm	Hearing: 29-02-2016	Decision: 10-03-2016

CIC/CC/A/2015/000738-SA

RTI/PIO: 26-8/26-9-2014	FA/FAO: 29-9/22-10-2014	2 nd Appeal: 16-1-2015
Adjourned-6-4-16, 2.30 pm	Hearing: 29-02-2016	Decision: 10-03-2016

Parties Present:

The appellant is present. The Public Authority is represented by Dr.Pratyush Vatsala, Principal, Lakshmi Bai College.

FACTS:

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2. Appellant by his RTI application had sought for copy of the minutes of Building Committee meetings held since 01/08/2012 till date, copy of the various building works done payments made along with the associated documents like sanction letter/estimates/quotations, work orders etc and information about how much OBC fund has been spent for the building. PIO by his letter dated 24.03.2014 denied the information under section 8 (1)(a). Being unsatisfied, appellant filed First Appeal. FAA by his Order dated 22.05.2015 denied the information claiming section 8 (1)(a). Being unsatisfied, appellant approached Commission.

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3. Appellant by his RTI application had sought for copy of the diary no. LBC/1360/07 (acknowledgement book). PIO replied on 13.02.2014 stating that the peon book is not traceable and when it is traced the same will be provided. Being unsatisfied, appellant filed First Appeal. FAA by his Order dated 14.03.2014 disposed of the appeal providing the same reply as that of the PIO. Being unsatisfied, appellant approached Commission.

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4. Appellant by his RTI application had sought copy of charge sheet issued to the SO(Admin) Mr Prem Kant, copy of reply by Mr Prem Kant to the charge sheet, copy of statements of all the witnesses in the whole inquiry process etc. PIO by his letter dated 26.09.2014 denied the information under section 8 (1)(a) and (j) of RTI. Being unsatisfied, appellant filed First Appeal. FAA by his Order 22.10.2014 also denied the information under section 8 (1)(a) and (j) of RTI. Being unsatisfied, appellant approached Commission.

DECISION:

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5. Both parties made their submissions. The respondent officer/Principal has submitted that the appellant herself is the PIO of their College, but as she is appearing before the Commission as an appellant, she (Principal) is representing the Public Authority and she is also the FAA for

the College under the RTI Act. She further submitted that after she had taken over as the Principal of the College, from her predecessor, Ms. Veena Gautam, who had since retired, she appointed the appellant as the PIO of the College as she was very knowledgeable in RTI rules. She also admitted that as all these three RTI appeals were dealt during her predecessor's time, she, in fact requested Ms. Veena Gautam to attend the hearing today, but she declined in writing saying that there was no need for her to attend the hearing as she claimed to have furnished the available information to the appellant already. The respondent officer further submitted that as far as the Peon book is concerned, the same is yet to be traced and one Mr. Shashi Kant, Daftary is the custodian of the same and she had already issued memo to him to produce the same.

6. On the other hand, the appellant submitted that she suffered a lot during the tenure of Ms. Veena Gautam, as Principal of the college and she never gave any information on her RTI applications. She was marking the appellant as absent, even though she was present in the college credited holidays in to her leave account, depriving her of all her leave by these unjust markings. Her compensatory leave record was also missing. As far as the copy of the charge sheet issued to the SO(Admin), Mr. Prem Kant, she needs the same to expose corruption prevailing during Ms. Veena Gautam's time, as the said SO(Admin) was allegedly conniving with the Principal. She also needs the minutes of the Building committee as requested in her RTI application.

7. The Commission having heard the submissions and perused the record, holds that the exemption under section 8(1)(a) of the RTI Act, sought to be applied by the Public Authority, is not applicable in this case and hence directs the respondent authority/Principal to furnish the information free of cost to the appellant as sought by her in the above three appeals within 15 days from the date of receipt of this order.

8. The Commission further directs the then Principal/FAA, Ms. Veena Gautam, deeming her to be the PIO, to show cause why penalty should not be imposed on her for obstructing the information, for missing the records pertaining to the appellant resulting in loss to the appellant. The Commission also directs Mr. Shashi Kant, Daftary to show cause why penalty should not be imposed on him for missing the record pertaining to the appellant. Their explanations should reach the Commission within 21 days from the date of receipt of this order. The Commission finds that the entire management of the College is denying the information which is supposed to have been disclosed voluntarily under Section 4(1)(b) of the RTI Act, besides making wrong claims that records were not traceable. The Commission, therefore, directs Mr. Sanjeev Singh, Chairman, Governing Body, Laxmi Bai College, to provide information point-wise to the appellant within 20 days from the date of receipt of this order and submit a compliance report in person to the Commission in its next hearing on 06-04-2016 at 2.30 pm, failing which the Commission would be compelled to initiate penalty proceedings under Section 20 of the RTI Act.

9. The above three appeals are adjourned to **6th April, 2016 at 2.30 PM**.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(U. C. Joshi)
Deputy Secretary

Addresses of the parties:

1. The PIO under the RTI Act, Principal of the College

Laxmi Bai College, University of Delhi

Ashok Vihar Phase-III, DELHI-110052

2. Ms. Nirmal Kanta

B-477, New Friends Colony

New Delhi-110025

3. Ms. Veena Gautam, Deemed PIO

C/o The PIO under the RTI Act, Principal of the College

Laxmi Bai College, University of Delhi

Ashok Vihar Phase-III, DELHI-110052

4. Mr. Shashi Kant, Daftary C/o The PIO under the RTI Act, Principal of the College

Laxmi Bai College, University of Delhi

Ashok Vihar Phase-III, DELHI-110052

5. Shri Sanjeev Singh, Chairman, Governing Body

C/o The PIO under the RTI Act, Principal of the College

Laxmi Bai College, University of Delhi

Ashok Vihar Phase-III, DELHI-110052