

Central Information Commission, New Delhi
File No.CIC/SM/C/2013/000075 to 82 (Eight Cases)
Right to Information Act-2005-Under Section (19)

Date of hearing : **05/07/2013**

Date of decision : **05/07/2013**

Name of the Appellant : **Sh. B Bharathi,**
57, Kavi Kuil Street, Ashok Nagar,
Lawspet, Puducherry - 605 008

Name of the Public Authority : **Public Information Officer,**
Madaras High Court,
(Administration), Chennai - 600104

The Appellant was present.

On behalf of the Respondent, Shri Vijay, Advocate was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. We heard all these eight cases together.

3. In these cases, the complainant had sought a variety of information related to the appointment of not only the Registrar General of the Madras High Court but also the Advocate General, Additional Advocate General and Public Prosecutors for the State of Tamil Nadu. In almost all these cases, the CPIO had not responded to his RTI request within the stipulated period. Alleging that the CPIO had not provided any information, the complainant has approached

the CIC in these complaints.

4. During the hearing, the complainant submitted that the CPIO of the Madras High Court had systematically ignored his RTI requests and never provided any information in time. Therefore, he demanded that action should be taken against the CPIO concerned and appropriate penalty imposed. On the other hand, the advocate appearing for the CPIO submitted that the complaints filed by the complainant should not be entertained at all as he had not approached the Appellate Authority first. According to him, the complainant should have filed appeals before the Appellate Authority of the Madras High Court before choosing to complain to the CIC. He informed us that the CPIO had indeed responded to the complainant in most of these cases although after several months of receiving the RTI application.

5. We have carefully considered the contentions of both the sides. We do not agree with the contention of the respondent in this case. Section 18(1) (c) of the Right to Information (RTI) Act mandates that the CIC may receive and inquire into a complaint from any person who has not been given a response to a request for information or access to information within the time limits specified under this Act. This clearly implies that if any citizen does not get any response or information from the CPIO concerned within the time limit of 30 days from the date his application reaches the CPIO, he can complain to the CIC and, in that case, it would be the duty of the CIC to enquire into the complaint. In the present eight cases, the complainant claims that, not even in a single case, the CPIO had responded to him in time and provided any information. All that the respondent could say in this regard is that the CPIO had provided some information or response but after several months. If the contention of the

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respondent is correct that the CPIO had responded much beyond the stipulated period of 30 days, then the complainant cannot be faulted for complaining to the CIC directly. On the other hand, for such delay, the CPIO would be liable for imposition of penalty in terms of the provisions of section 20(1) of the RTI Act, unless he has some reasonable cause for such delay.

6. Keeping the above provision of the Right to Information (RTI) Act in view, we would like the CPIO concerned to show cause why we should not impose penalty on him in terms of the above provision for his failure to provide the information in time in all these cases. Therefore, we direct the CPIO concerned to appear before us through videoconferencing (***N.I.C., State Informatics Centre, E-2-A, Rajaji Bhawan, 1st Floor, Besant Nagar, Chennai -600090 (Contact Officers-Mr. Nehru & Ms. Anandhi & Contact Nos.: 044-2491 7850 / 24902580 / 2446 6495)***) on the next date of the hearing on ***7 August 2013 at 02.45 p.m.*** and offer his explanation for the delay. We will decide on the penalty only after hearing his explanation.

7. As far as the desired information is concerned, we do not intend to give any direction to the CPIO to disclose it in terms of the decision of the Supreme Court in the Manipur CIC case in which it held that while enquiring into a complaint under section 18 of the RTI Act, the CIC or the SIC, as the case may be, could only enquire into the alleged failure of the CPIO in not giving information and impose penalty, if necessary, but could not direct the disclosure of any information.

8. The appeals are disposed off accordingly.

9. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar