

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/58
CICOM/A/P/20/00025
CICOM/R/P/2020/00035

Name of the Appellant: Shri Prasanta Basu Ray
A/1/4, Dexiray Complex,
Barabazar, Chandannagar, Hooghly,
West Bengal. Pin – 712 136

1.	Date of RTI application	06.01.2020
2.	Date of reply of the RTI application	24.01.2020
4.	CPIO (s) who furnished reply	Sh. KrishanAvtarTalwar, Deputy Secretary, Central Registry-1
3.	1 st Appeal Date	13.01.2020
5.	Date of Decision	25.02.2020

Brief Facts of the case:-

1. The appellant, through his RTI application asked for following information:
 - 1 (a). How many public authorities have been penalized for breach of RTI Act in the year 2019?
 - (b). Maximum penalty imposed.
- 2 (a). Names of the Hon'ble Commissioners who penalized CPIOs in the year 2019.
 - (b). Please give the case numbers alongwith the names of Hon'ble Commissioners.
3. (a). How many public authorities were directed to compensate for different types of loses suffered by the applicants for delayed information or otherwise in 2019.
 - (b). Maximum compensation awarded.
4. Maximum compensation that was awarded to an appellant since existence of CIC. And who awarded please.
5. Amount of penalty collected 2017, 2018 & 2019.
6. Please refer to my diary No.-117372 dated 12-04-2019 and intimate the present status of the appeal/complaint.

Please provide me certified copies of the entire bunch of the said appeal/complaint as I have lost it after I met an accident in May 2019.
7. Please refer to diary No.-118464 dated 23.04.2019 and intimate the present status of the appeal/complaint.

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Please provide me certified copies of the entire bunch of the said appeal/complaint as I have lost it after I met an accident in May 2019.

8. Some SICs display punitive measures taken by the Hon'ble Commissioners separately to help citizens to directly get access to the files without searching the sea of decisions.

Please intimate whether CIC has taken any such step to display the punitive measures and compensation awarded separately in the website to ease the access.

Reply of CPIO:-

2. In response to the RTI application Sh. KrishanAvtarTalwar, Deputy Secretary, Central Registry-1, provided following information to the appellant:

- 1(a). No penalty information, 'public authority-wise' is maintained. As such as per section 7(9) of RTI Act-2005, requisite information cannot be provided.
- (b). Rs. 25,000/-
- 2(a) & (b). No. penalty record on the basis of name of Hon'ble Commissioners is maintained. As such as per section 7(9) of RTI Act-2005, requisite information cannot be provided.
- 3(a),(b) & 4. No centralized record of 'Compensation' is maintained. Each such order is placed in the concerned file by the respective registries. As such, as per section 7(9), the requisite information cannot be provided to the appellant.
5. Available relevant information is enclosed herewith.
6. As per software of the Commission, the Second Appeal submitted vide diary No. 117372/2019 dated 12.04.2019, was returned to the appellant vide Facilitation Memo dated 15.04.2019 through Speed Post tracking ED317158329IN dated 18.04.2019 for resubmission after removing the deficiencies indicated therein. A software generated copy of said Facilitation Memo is enclosed herewith for ready reference. As with the Facilitation Memo all available documents are returned to the appellant for facilitating him for removing the deficiencies indicated therein the Facilitation Memo and no copy/record of it is retained in the Commission, as such, there is no document relating to Diary No. 117372/2019 is on record. Therefore copy of it cannot be provided.
7. As per software of the Commission the Second Appeal submitted vide Diary No. 118464/2019 dated 23.04.2019 was registered vide No. CIC/CNCIN/A/2019/118464 on 24.04.2019. For providing you other information, this part of your RTI application is herewith being transferred to Shri K. L. Das, DR to Hon'ble CIC (BJ) on 24.01.2020. With the request to provide relevant information directly to the appellant. If required, you may contact him in this office Room No. 306. His contact No. is 011-26182597. Delay in transferring owing to rush of work, as the undersigned in addition to his normal duties of DR to CR-I has been assigned the duties of DR to CR-II Section also.

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8. Query is being raised which de hors section 2(f) of RTI Act, 2005. However, for sake of transparency, it is clarified that, to protect the privacy of the individuals, as per section 8(1)(J) of RTI Act-2005, no such step, as on date taken by this Commission.

In respect point no. 5 of RTI application, the following information was provided to the appellant:

"The work of monitoring of penalty was earlier being look after Admn. Section. No proper record was maintained/handed over. Accordingly no record up to 28 March 2018 is available.
As per record maintained in CR-II w.e.f. 29.03.2018 amount of Rs. 2581284/- were collected towards penalty in rest of the calendar year 2018 & Rs. 1588850/- were collected during calendar year 2019.

Ground of First Appeal:-

4. Aggrieved with the reply sent by the CPIO, the appellant filed 1st appeal before the Commission on following ground:

1. Query no.-1 & 2 (a,b), 3(a,b) & 4 – Information sought for pertaining to the year 2019 is not available in spite of availability of modern facilities suggests almost collapse of CIC administration. Section 7(9) applied meaninglessly. Can these information be denied to parliament/MP/MLA?
2. Query 8.-The reply confirms aversion to share information. As the punitive measures taken against the CPIOs are displayed in public domain.

Decision with reasons:-

5. After perusing the RTI application and reply given by the CPIO, the grounds for appeal are admitted and (a) CPIO is directed to provide information to the appellant as admissible under the provisions of RTI Act 2005, within 15 days of receipt of this order. (b) Shri K.L.Das, Dy. Registrar has given the reply to the RTI queries on 04.02.2020 to the applicant. (copy attached) Hence, further intervention, on the part of FAA, is not warranted at this stage in this matter.

6. The appeal is being disposed of accordingly.

7. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi – 110 067 against this order within 90 days.

Dated: February 25, 2020.

Meena Balimane
25/2/2020
(Smt. Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

Sh. Krishan Avtar Talwar
22/2/2020
CPIO, RTI Cell, CIC, New Delhi.
Sh. Krishan Avtar Talwar, Deputy Secretary, Central Registry-1, CIC, New Delhi.