

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

**Decision No. CIC/SG/C/2010/900529/11461**  
**Complaint No. CIC/SG/C/2010/900529**

**Complainant**

**Dr. S. D. Bharti,**  
D - 57 Staff Colony,  
Malaviya National Institute of Technology,  
Jaipur, Rajasthan - 302 017

**Respondent**

**Director,**  
Malaviya National Institute of Technology,  
Jawahar Lal Nehru Marg,  
Jaipur, Rajasthan - 302 017

**Central Public Information Officer,**  
Malaviya National Institute of Technology,  
Jawahar Lal Nehru Marg,  
Jaipur, Rajasthan - 302 017

**Facts arising from the Complaint:**

The Complainant had filed an RTI application with the aforementioned Respondent on **8<sup>th</sup> March 2010** asking for certain information. The stamp of receipt of the Respondent Public Authority is of **8<sup>th</sup> March 2010**. On not having received any information within the mandated time the Complainant filed a Complaint under Section 18 of the RTI Act before this Commission. On this basis, the Commission issued a notice to the Respondent on **13<sup>th</sup> January 2011** with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission has neither received a copy of the information sent to the Complainant, nor has it received any explanation from the CPIO for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the CPIO has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act. Failure on the part of the CPIO to respond to the Commission's notice shows that there is no reasonable cause for the refusal of information.



Furthermore, on perusal of the website of the Respondent Public Authority it has been observed that the Respondent Public Authority has not met its obligations under Section 4 of the Right to Information Act, 2005. As per Section 4 of RTI Act, public authorities were under an obligation to make certain *suo moto* disclosures by 13 October 2005. These Disclosures are mandatory and are crucial to ensure transparency and accountability in institutions. This would reduce the load of RTI Application being filed with each institution as information would be freely available to citizens and they would not have to apply for it.

**Decision:**

**The Complaint is allowed.**

In view of the aforesaid, the CPIO is hereby directed to provide the complete information with regard to the RTI Application dated 8<sup>th</sup> March 2010 to the Complainant before **30<sup>th</sup> March 2011** with a copy to the Commission.

**The issue before the Commission is of not providing the requisite information by the CPIO within 30 days, as required by law.**

From the facts before the Commission, it appears that the CPIO has not provided the correct and complete information within the mandated time and has failed to comply with the provisions of the RTI Act. The delay and inaction on the CPIO's part in providing the information, amounts to willful disobedience of the Commission's direction and also raises a reasonable doubt that the denial of information may be malafide.

**The CPIO is hereby directed to present himself before this Commission on 7<sup>th</sup> April 2011 at 2.30 PM along with his written submissions to show cause why penalty should not be imposed and disciplinary action recommended against him under Section 20 (1) and (2) of the RTI Act. Further, the CPIO may serve this notice to any other official(s) who are responsible for this delay in providing the information, and may direct them to be present before the Commission along with him on the aforesaid scheduled date and time. The CPIO shall also bring proof of seeking assistance from other officials(s), if any.**

**Furthermore, the Commission under the powers vested in it by section 19 (8) (a) of the RTI act, hereby directs the following:-**

- 1. Manuals under section 4 (1) (b) of the RTI act shall be uploaded on the website of the institute under the link " Right to Information" and a hard copy shall be kept at a suitable location for perusal by the general public.**



2. A sign board of appropriate dimension shall be installed, mentioning the Name(s), designation(s), contact details including the office address/room number, availability hours and telephone numbers of the Central Public Information Officer(s), Central Assistant Public Information Officer(s) and First Appellate Authority, as the case may be, who have been notified under the RTI act 2005 (in case of a change of CPIO or Appellate Authority, the sign board will be updated within ten days of the said change.) Information regarding the requisite fees to be paid under various provisions of the RTI Act 2005, modes of payment and the office where such fee will be accepted. Information regarding Information Handbook/manuals published under section 4 (1) (b) of the act; their location and time when they can be accessed should be also mentioned on the board. The exact link/URL to the page on the website of the college/ department where the information handbook can be viewed will also be mentioned. **No acronym/abbreviation should be used.** This information shall be inscribed both in English and Hindi, and shall be installed at a location having maximum public view. This will be maintained by the head of the public authority/ head of institution as the case may be, or the officer(s) so directed by him in writing, so long as the RTI act is in force.

**The above should be done by the 20<sup>th</sup> of April 2011.**

**The Director,** shall send a report of compliance of the above directions to this Commission by **25<sup>th</sup> April 2010**. The report may be sent to [rtimonitoring@gmail.com](mailto:rtimonitoring@gmail.com), with a copy to the complainant.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.



**Shailesh Gandhi**  
**Information Commissioner**  
**14<sup>th</sup> March 2011**

*(In any correspondence on this decision, mention the complete decision number.)(ANP)*