

CENTRAL INFORMATION COMMISSION
2nd Floor, August Kranti Bhawan, Bhikaji Cama Place
New Delhi-110066, website:cic.gov.in

Appeal No.:-CIC/CCITM/A/2016/304296-BJ

Appellant : Mr. Arun G Jogdeo
7/11, Gajanan Niwas, Liberty Garden Main
Road, Malad (West), Mumbai-400064

Respondent : i) CPIO ITO, 34(1)(2)
Room No. 104, C-12 Pratyakash Kar Bhawan
Bandra-Kurla Complex, Bandra (East),
Mumbai-400051

ii) CPIO & ITO (HQ)
Systems & Projects, O/o. the Pr. CCIT,
Room No.380, 3rd Floor, Aayakar Bhawan
M K Road, Mumbai-400020

Date of Hearing : 16.06.2017
Date of Decision : 16.06.2017

Date of filing of RTI applications	14.03.2016
CPIO's response	01.04.2016
Date of filing the First appeal	25.05.2016
First Appellate Authority's response	23.06.2016
Date of diarised receipt of second appeal by the Commission	June,2016

ORDER

FACTS:

The Appellant vide his RTI application sought information on 02 points regarding establishment of Vigilance Cell and Self Auditing Mechanism and issues related thereto.

The CPIO and ITO, Ward 34 (1) (2), Mumbai vide its letter dated 01.04.2016, transferred the RTI application to the Addl. Commissioner of Income Tax (HQ), Admn., Mumbai. Dissatisfied by the response of the CPIO, the Appellant approached the FAA. The FAA, vide its order dated 23.06.2016, directed the CPIO to re-examine the RTI application immediately and furnish information as per the provisions of the RTI Act, 2005.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. Arun G Jogdeo (M: 9969447560) through VC;

Respondent: Mr. R. Rajendra, ITO Ward 34(1)(2), Bandra (M:9969235186); Mr. Haridas K. Nair, ITO(Systems)/CPIO, Mumbai (M: 9969236031) through VC;

The Appellant reiterated the contents of his RTI application and stated that no satisfactory information was provided to him, despite the directions of the FAA in the matter. It was argued that even after completion of almost one and half years of filing the RTI application the Respondent Public Authority had not bothered to

reply to the application which defeats the purpose for which the RTI Act, 2005 was promulgated. Furthermore, it was desired that penal action under Section 20(1) of the RTI Act, 2005 should be initiated so that it serves as a lesson to all other information givers to shun their casual approach in handling such RTI applications. He however, confirmed the receipt of a reply from ITO Ward 34(1)(2) on 01.04.2016 and FAA's order dated 23.06.2016. On being questioned about the delay in providing information which was of generic nature, the Respondent (ITO-Systems) submitted that necessary information had been provided to the Appellant today i.e. the date of the hearing. Explaining the reason for delay, it was explained that the information sought by the Appellant was already in the public domain and could be accessed on its website but no specific intimation was made to the Appellant, in this regard. It was further stated that admittedly there had been a delay in providing information which got neglected inadvertently. He tendered unconditional apology for the same. The Appellant however, contested the attitude and approach of the Respondent and emphasized that even the order passed by the High Court were not being implemented by the Respondent and that there was utmost carelessness and neglect in the functioning of the Public Authority.

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 both the parties, it is evident that no satisfactory reply had been provided by the Respondent in the matter, which is a grave violation of the provisions of the RTI Act, 2005. The Commission, instructs the CPIO to showcause why action should not be taken under the provisions of the Act for this misconduct and negligence. The Commission therefore, directs the respondent to:

- 1- provide the information to the appellant within a period of 07 days;
 - 2- explain why penal action should not be taken as per Section 20(1) of the RTI Act, 2005, within 15 days;
- from the date of receipt of this order.

The Appeal stands disposed with the above direction.

(Bimal Julka)
Information Commissioner

Authenticated True Copy:

(K.L.Das)
Deputy Registrar