

**അപേക്ഷകന് നഷ്ട പരിഹാരം നൽകി ആ തുക
SPIO യിൽ നിന്നും ഒന്നാം അപ്പീൽ അതോറിറ്റി
യുടെ കൈയിൽ നിന്നും ഈടാക്കാൻ വിവരാവ
കാശ കമ്മീഷൻ നിർദ്ദേശിച്ചു**

CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2006/00305

Dated, the 31st October, 2006.

Appellant : Shri S.K. Rathod, National Crime Records Bureau (MHA), East Block-7, R.K. Puram, New Delhi-110 066.

Respondents : Shri B.S. Dhupia, Asst. Director (Admn.) & CPIO, National Crime Records Bureau, East Block-VII, R.K. Puram, New Delhi-110 066.

Shri V.S. Yadav, Deputy Director (A&R) & Appellate Authority, National Crime Records Bureau, East Block-VII, R.K. Puram, New Delhi-110 066.

This is an appeal filed by Shri S.K. Rathod against the order dated 28.4.2006 of the CPIO, Shri B.S. Dhupia, Asst. Director (Admn.), National Crime Records Bureau (NCRB).

2. The facts of the case are that the appellant, through his RTI petition dated 23.3.2006 to the CPIO, NCRB requested information centered on receipt and forwarding of application by NCRB for "outside posts". He enclosed a proforma in which he wanted the information to be furnished.

3. The CPIO, through his order dated 28.4.2006, rejected the request for information as "the Bureau does not have any information on record in that form". The CPIO's order did not mention the Appellate Authority (AA) before whom the appellant could file an appeal, if he was not satisfied with the CPIO's order. Nevertheless, the appellant filed an appeal on 5.5.2006 before the AA whom he addressed as "Dy. Director, NCRB". The appeal was never disposed of.

4. Parties were called for a hearing on 27.10.2006. The appellant was present in person while the respondents were represented by the AA and the CPIO.

5. During hearing, the respondents admitted that the CPIO had erred in failing to mention the name of the AA in his order dated 28.4.2006. The AA, Shri V.S. Yadav, Dy. Director (Admn.) came up with the plea that he was not aware that the appellant had filed the appeal due to a mistake by the AA's personal staff. The appeal-petition is stated to have been routinely transferred to the "Section" dealing with administrative matters by the AA's Private Secretary – a mistake that occurred largely due to the appeal-petition having been addressed to the Deputy Director (Admn.), NCRB and not to the Appellate Authority.

6. The mistakes of the CPIO as well as of the AA are all too obvious. Regardless of the merits of the appellant's case, it is quite plain that he has suffered avoidable harassment in so far as he was not properly informed by the CPIO about the personal

identity of the AA before whom the appellant could file his appeal. The CPIO failed to comply with the provision of Section 7(8) of the RTI Act and mention, in his order, the name and the address of the AA. The appellant, on his own accord and through his own efforts, located the AA in the DD(Admn.), NCRB and filed the appeal before him. He was singularly unlucky there too, as DD (Admn)'s office, as per the AA's own statement before the Commission, without looking into the contents of the petition or bringing the matter to the notice of the DD (Admn) for appropriate orders, disposed of the appeal petition as nothing more than a routine administrative paper. The DD (Admn.) / AA and his office have scarcely equitted themselves creditably in this whole matter. Administrative mismanagement cannot be cited as a defence for failure to discharge statutory responsibility by any officer, much less by a senior officer. The CPIO as well as the AA should be answerable for the harassment and the detriment caused to the appellant.

7. In consideration of the above, the following orders are issued under Section 19(8) of the RTI Act.

8. The appellant shall be paid a sum of Rs.3,000/- by the public authority as compensation for the harassment and detriment that he has suffered. As the Appellate Authority and the CPIO should bear the full responsibility for the detriment suffered by the appellant due to their acts of omission and commission, it will be open to the public authority to recover this amount from the Appellate Authority and the CPIO in the following manner:

	Name and Designation of the Officer	Amount of compensation
CPIO	Shri B.S. Dhupia, Asst. Director (Admn.), National Crime Records Bureau,	Rs.1,000/-
Appellate Authority	Shri V.S. Yadav, Deputy Director (A&R), National Crime Records Bureau	Rs.2,000/-

9. These monies shall be paid to the appellant under proper acknowledgement, within one week from the date of the receipt of this order. The CIC shall be informed by 30.11.2006, by the Director, NCRB about execution of these orders.

10. The Director, NCRB shall ensure that the CPIO is given proper training to handle the information-requests received by him strictly in accordance with the stipulations of the Act.

11. The personnel in the office of the AA shall be properly instructed about handling first appeals carefully and diligently without giving room for defaults as noticed in this case. The AA is directed to regularly monitor the work of his subordinates in dealing with RTI related matters.

12. The Commission is forced to resort to these punitive measures as it feels that officers in public authorities have been, often times, inadequately sensitive to their responsibilities under the RTI Act. This Act has been in force for over one year, and

Government servants ought to have understood by now the duties the Act casts on them, especially in regard to disposing of petitions and first appeals well within time. Failures to do so by CPIOs and AAs should be visited by penalties. The provision entitling the wronged petitioner to appropriate compensation is to be invoked whenever the reason for the officers' failures is manifestly insubstantial. The CPIO in this case, in an earlier appeal (No.CIC/AT/A/2006/00114, Shri B.Venkatesan Vs. NCRB) before the Commission, was found to have grossly delayed supplying information to the petitioner. Later, however, the same AA, after a considerable pause, had ordered passing on the information to the petitioner. When the matter came up before the Commission, both the AA and the CPIO had pleaded that the public authority had now become more alert about discharging its duties within the stipulated time-schedules, and that there shall be no further dereliction of this type. Considering their assurance, the Commission had taken a lenient view in that matter. However, since the mistake has been repeated, the Commission has been compelled to direct the public authority to compensate the appellant for the detriment caused to him, and consider recovering the money from the erring CPIO and the AA. This is necessary in order to make the CPIO and the AA realize that any default on duty cast on them under the RTI Act would invite serious action.

13. As far as the information requested by the appellant, the case is remitted back to the AA with the direction that he should give a fresh hearing to the appellant and dispose of the matter within 2 weeks from the date of the receipt of this order.

14. The appeal is disposed of with the above directions (at paras 7 to 11 and 13).

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(A.N. TIWARI)

INFORMATION COMMISSIONER

Authenticated by –

-sd-

(NISHA SINGH)

Joint Secretary & Additional Registrar

Address of parties:

1. Shri S.K. Rathod, National Crime Records Bureau (MHA), East Block-7, R.K. Puram, New Delhi-110 066.
2. Shri B.S. Dhupia, Asst. Director (Admn.) & CPIO, National Crime Records Bureau, East Block-VII, R.K. Puram, New Delhi-110 066.
3. Shri V.S. Yadav, Deputy Director (A&R) & Appellate Authority, National Crime Records Bureau, East Block-VII, R.K. Puram, New Delhi-110 066.
4. Shri Sudhir Kumar Awasthi, Director, National Crime Records Bureau, East Block-VII, R.K. Puram, New Delhi-110 066 - **with the direction to have the order executed.**