



संत लौगोवाल अभियांत्रिकी एवं प्रौद्योगिकी संस्थान

(भारत सरकार द्वारा स्थापित)

SANT LONGOWAL INSTITUTE OF ENGINEERING & TECHNOLOGY

(Established by Govt. of India)

Deemed-to-be-University

(RTI Section)

संदर्भ नं./Ref. No. RTI/11-12/To/421-28

दिनांक/Date 29/6/11

RTI MATTER/MOST IMPORTANT

From : Transparency Officer, SLIET, Longowal.

To : (1) All Deans, (2) All HODs/Sections Incharge, SLIET, Longowal.

Sub : Directions for effective implementation of the RTI Act, 2005 in SLIET.

Of late, it has been observed that whenever any applicant requests for the supply of information under the RTI Act, 2005, some of the Deemed PIOs send their reply to the extent that "the information is bulky/voluminous and the applicant may visit their section for the inspection of record". Even many Deemed PIOs use the wording such as "the information/file is not traceable".

In the above context, your attention is invited to Section 7 (9) of the RTI Act, 2005, which is re-produced below :-

"An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question".

Similarly, the reply that the "information/file is not traceable" reflects both lack of proper record management by the concerned officials as well as lackadaisical attitude of the officials/custodian of information, to provide the same, as demanded by the applicants under the Act. For this purpose, your attention is invited to the Hon'ble CIC order bearing No. 4620/IC (A)/2009, F. No. CIC/MA/C/2009/000578 dated 7.10.2009 (copy enclosed for ready reference).

Keeping in view the above provisions of the RTI Act, 2005, it is desired that in future, all the Deemed PIOs should provide the information, as requested by the applicants, as far as possible and they should also maintain proper record/files to comply with the above orders of the Hon'ble CIC. Further, necessary steps should also be taken for the proper and effective implementation of Section 4 of the RTI Act, 2005, in the Institute.

Transparency Officer

Encl : As above

Copy for information and necessary action, if any to :-

(1) Director, (2) Registrar-cum-Appellate Authority (3) PIO, (4) All APIOs, (5) Incharge Website - to please get this communication uploaded on the SLIET's website.

Chapter-IV

CIC Decisions on Records management and Suo- motu Publications

4.0. The following CIC decisions interpreting section-4 of the Act give valuable clarification in defining the obligations of Public Authorities under RTI Act.

4.1. *Cataloguing, indexing and computerization of records.*

In the case of **Shri. Ishwar Lal vs Indian Oil Corporation Ltd.** Decision No.4620 /IC(A) /2009 F.No.CIC /MA /C /2009 / 000578 Dated, the 7th October, 2009. The CPIO has furnished partial information while the remaining information has been refused on the ground that relevant files are not traceable and the record in question is too old.

Judgement: The commission has made the following observations. The CPIO, has furnished partial information while the remaining information has been refused on the ground that relevant files are not traceable. Under section 4 (1) (a) of the Act, every public authority is required to 'maintain all its records duly categorized and indexed in a manner and the form which facilitates the right to information. In view of this, denial of information on the basis of non-availability of records is not acceptable. The CPIO, is held responsible for violation of section 7 (1) of the Act since he has refused to provide the information without reasonable cause..

In case he has sought the assistance of the concerned officers, who may be deemed PIO, u/s 5(4) of the Act, he should identify and advise them to be present in the hearing to explain as to why penalty should not be imposed on them also, on the ground of mis-management of records and/or creation of obstacles in sharing of information.

The public authority, IOCL is also held responsible for improper record management, due to which vital information relating to allotment of LPG dealership have gone missing. This reflects both lack of proper record management by the concerned officials who were associated with the LPG dealership selection process as well as lackadaisical attitude of officials, who chose to refuse the information on the ground that 'files are not traceable' which is not an acceptable ground for denial of information to the affected persons. The respondents have also not submitted relevant evidence of having made sincere efforts to search and trace the file.

Commission is having the view that the respondents are **suppressing vital facts for malafied reasons**. Due to this, the appellant has surely suffered all kinds of losses, including mental harassment and right to pursue a profession due to non-availability of information, which is clearly related to his livelihood. **He therefore needs to be compensated, u/s 19 (8) (b) of the Act.**

The Commission, therefore, holds that the respondent's CPIO, has deliberately provided incorrect and misleading information without any reasonable cause and is therefore held responsible for providing false and misleading information for which he is liable to pay a maximum penalty of Rs. 25,000/- (Rupees Twenty Five Thousand only), u/s 20(1) of the Act. The above amount of penalty is thus imposed on him.

An amount of Rs. 50,000/- (Rupees Fifty thousand only) is also awarded to the appellant u/s 19(8)(b) of the Act, to compensate for all types of losses - time and resources, in seeking access to information about the outcome of the selection process initiated by the respondent.

4.2. Suo-motu Publication

In the case of Mr. Harpal Singh Rana Mr. Pushkar Sharma PIO Municipal Corporation of Delhi Office of the Superintending Engineer Civil Lines Zone Decision No. CIC /SG /A /2009 /000891 /3620, Appeal No. CIC /SG /A 2009 /000891 dated 9 June 2009.

The appellant had sought information about the Depts/offices, employees, vacancies, details of work, guarantee and time limit, population density and total area, excavation work for the propose of road making, the details of expenditure and deposited amount by agencies in different wards. Out of 9 points only 4 were answered by the CPIO and the FAA ordered information on points 4, 5, & 6 should be given.

Judgment: The nature of information sought by the appellant should have been provided suo moto by the public authority. It is apparent that this is not been done and MCD is not fulfilling its basic duties under Section 4 of the RTI Act. The CPIO is also guilty of not providing information in time and not complying with the direction of the first appellate authority.

The information sought by the appellant must be provided and MCD must ensure

that this must available suo moto in fulfilment of its duties under Section 4 of the RTI Act. Directions were also issued to ensure that the Section 4 compliance done and information of this nature should be available on the website of MCD.

4.2.1. Suo-motu Publication

In the case of **Er. Sarbajit Roy vs Delhi Development Authority, (DDA/ Complaint No. CIC/LS/C/2009/00322 dated 8-5-2009.** The applicant sought action against Secretary, DDA for non-compliance of directions of Commission for publication of Rules/ norms / procedures / powers of the authority and its officers etc.

Judgement: Commission observed that a reasonable time has now passed from the time of promulgation of the Act in 2005, the Public Authorities should now take urgent steps to have their records converted to electronic form, catalogued, indexed and computerized for easy accessibility through the network all over the country, as mandated in section 4 (1). (a) of the Act. The computerization, dissemination and updating of record is an ongoing and continuous process and all Public Authorities should put a proper system in place to make such sharing of records an automatic, routine and continuous process, so that access to such records is facilitated.

4.2.2. Suo-motu Publication

In the case of **Mr.A.N.Prasad vs Mr. Shalender Singh Chauhan PIO Deshbandhu College, (University of Delhi), Kalkaji, New Delhi-110019. Vide Decision No. CIC /SG /A /2009 / 001125 /3905.** The applicant sought the following Information :

1. What steps have been taken by the college to meet its obligation under Section 4(1) (a). Please provide details of steps, mechanisms, process and/or systems adopted by the college to fulfil this responsibility.
2. Certified copies of the instructions/orders etc. received from superior authorities with respect to implementation of the RTI Act, 2005.
3. With regard to Section 4 (2) compliance:-
 - (a) Has the college suo motu made public, information falling under all the 17 points listed under section 4(1) (b) ?

- (b) If yes, provide information regarding the medium and format in which information has been displayed.
- (c) Is this information easily accessible? Please list the options available public to access this information.
- (d) What steps has the college taken to provide as much information as possible suo motu to the public so that they do not have to apply under section the RTI Act, 2005? Provide details of steps taken?
- (e) What steps have been taken by the college to disseminate wider information w.r.t. section 4(1), in a manner easily accessible to the public? Provide details of the steps taken for dissemination.
- (f) Has the college updated the information listed in the 17 points under section 4(1) (b)? If yes, then provide the dates on which the information was updated, the process undertaken to update the information, the officer(s) in-charge, ensuring that the information is updated and made available under section 4(1) (b).
- (g) Has the college put up notice boards, giving the details about the CPIO in its office, subordinate offices. If yes, then provide certified copies of office orders issued/sent to the concerned offices and action taken report received from them.

4. Has the college published all relevant facts while formulating policies and announcing decisions that affect the public as required under Section 4(1) (C)

- (a) If yes, then provide certified copies of notifications, orders, government resolutions, circulars and any other means of communication or documents, (including file notings) through which the same was carried out.

5. What steps have been undertaken by the college to ensure that it provides reasons for its administrative or quasi-judicial decisions to affected persons? Provide details of the process, mechanism and/or systems that are in place to meet this obligation under Section 4(1) (d).

Judgement: The appeal is allowed. The PIO will provide the complete information to the appellant before 15 July 2009. The FAA Principal Dr. A.P. Raste confirms that the updation of the Section (4) disclosure will be done before 30 July 2009. The PIO will also ensure that this is available on the website before 15 August 2009 and will be updated every week.