

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
Old JNU Campus, New Delhi - 110067.
Tel: +91-11-26161796

Decision No. CIC/SG/A/2009/001110/3895
Appeal No. CIC/SG/A/2009/001110

Relevant Facts emerging from the Appeal:

Appellant : Mr. Imran Ali
S/o Mr. Irshad Ali
Jawahar Nagar, Kamalgaj
Farukhabad.(UP)

Respondent : Mr. Piyush Kumar Saxena
Public Information Officer
Chhatrapati Sahuji Maharaj University
Kanpur, UP

RTI application filed on : 11/08/2008
PIO replied : 20/08/2008
First appeal filed on : 12/09/2008
First Appellate Authority order : 20/11/2008
Second Appeal received on : 11/05/2009

Information sought:

Information regarding fee structure determined by the University for B.Ed program in unaided institutes of the University in year of 2007-2008.

Reply of PIO:

The PIO replied to the Appellant that the fee fixation for unaided institutes are decided by the Government hence, it was not possible to furnish any information in this regard.

Grounds for First Appeal:

Non-receipt of proper information.

Order of the First Appellate Authority

Not Mentioned.

Grounds for Second Appeal:

Non-receipt of proper information from PIO and FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Imran Ali

Respondent: Absent

The appellant states that, "He had taken admission for B.Ed. in R.P.Degree College, Kamalganj, Farrukhabad, U.P.- 209724, where the fee has been advertised as Rs.24,500/- for one year course. However the college was demanding an additional fee of Rs. 25,500/- for the course."

In view of this the applicant filed the RTI application with the PIO of the Chhatrapati Sahuji Maharaj University asking for information on the prescribed fee. It is very curious that the PIO

stated that the University has no knowledge about the fee charged by the colleges and that this information would be available only with the State Government. The appellant has subsequently filed an RTI application on 12/09/2008 with the PIO Education Department asking for the same information. The PIO of the Education department has transferred his application on 05/11/2008 to the PIO of the Chhatrapati Sahuji Maharaj University. This is indicating a malafide in denying the information to the appellant. The PIO of the Chhatrapati Sahuji Maharaj University has falsely claimed that the University does not have information on the fees to be charged by the affiliating colleges.

Decision:

The Appeal is allowed.

The information will be provided to the appellant before 15 July 2009.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. It appears that the PIO's actions attract the penal provisions of Section 20 (1) .

A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on 03 August 2009 at 3.30pm alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

This decision is announced in open chamber.

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

If information is not provided in the time stipulated under Section 7(6) of the RTI Act, it has to be provided free of cost to the Appellant

Shailesh Gandhi
Information Commissioner
29 June 2009

(In any correspondence on this decision, mentioned the complete decision number.)

(GJ)