



The Central Information Commission organised a seminar on the Implementation of the Right to Information Act 2005 on 19 May 2017 in SCOPE Convention Centre. The Seminar was attended by CIC, ICs, former Central Information Commissioners, State ICs, NGOs and other stake holders.

The Seminar began with an address by Shri Radha Krishna Mathur, Hon'ble Chief Information Commissioner. Shri Mathur highlighted the efforts made in the Commission over the past year to increase the pace of disposal of pending cases by putting digitisation to good use. Speakers presented their views on Privacy of Public Servants vis-a-vis RTI Act 2005, RTI as a tool for professional journalism, pro-active disclosures under section-4 of RTI Act, misuse of RTI Act, innovative ways of spreading awareness about RTI and some success stories of implementation of RTI Act. The session concluded with closing remarks by Shri Yashovardhan Azad, Information Commissioner.

## From Chief Information Commissioner's Desk.....



I am happy to be able to place before the readers the second news letter for the year 2017. We began the year with a new system for registration of appeals and complaints in the Commission using the APPSCOM software. With this new initiative the work of registration of cases in the Commission from the receipt of dak to the stage of generation of e-book is completed within 48 hours. The system generates SMS as well as e-mail alerts for applicants at various stages of receipt of dak, registration of case, issue of hearing notices and uploading of decision

The Commission had 34982 pending cases as on 1 April 2016. Even after addition of 23811 new cases, the Commission has brought down pendency to 27137 cases as on 01 Apr 2017. Thus 32344. cases were disposed during 2016-2017, as against 28188 cases, during 2015-2016. This has been possible with digitization of all its records of old and current cases, (approximately 1.7 lacs files) and use of the new APPSCOM software.

Commission has also decided to clear all cases registered upto 2015 by September 2017 and may be in a position to clear cases registered upto 2016 by Mar 2018.

The Commission has also setup its own studio control mechanism within the Commission which has improved number and quality of video conferencing. During the year 2016-17 the Commission held 15228 hearings through video conferencing. The corresponding figure for the previous year was 10882.

The ensuing pages of the news letter put together a few orders of the Commission selected on the basis of general public interest issues touched upon.

Wishing you a good read  
RK Mathur  
Chief Information Commissioner

# RECENT CIC DECISIONS

## **IMPERSONATION IN GOVERNMENT JOBS SCANDAL**

The Commission observed that it is surprising that the public authority could not discover such a serious issue of impersonation from the documents submitted by the applicant and the files available with their own office. The Commission finds an urgent need to probe into this impersonation scandal. The Commission directed the public authority headed by Director General to consider the RTI applications and the appeal by the appellant as formal complaint and inform the Commission about the action taken on the complaint within two months from the date of the order (CIC/BS/A/2016/001530, dated 24/03/2017).

## **PASSPORT VERIFICATION REPORT TO BE DISCLOSED UNDER RTI ACT.**

Passport office had issued show cause notice to complainant as an adverse report from SP Coimbatore was received during police verification. The complainant had filed RTI application seeking certified copy of the complete police verification report. The Commission directed the disclosure of the police verification report related to the applicant. (CIC/VS/C/2014/900344 & CIC/VS/C/2014/900297, dated 21/02/2017).

## **APPLICATIONS PERTAINING TO PENSION TO BE CONSIDERED AS REQUEST FOR INFORMATION CONCERNING LIFE OR LIBERTY.**

The Commission held that all request for information relating to delay in fixation/payment of pension and also arrears shall be dealt with urgently considering them as requests for information concerning 'life or liberty' under section 7(1) of RTI Act. Any grievance regarding these issues also should be treated as 'right to life' under Article 21 of the Indian Constitution and the public authorities shall do all the needful to address the issue within 48 hours.

The Commission also required that as per Section 19(8) (a) (i,iii&iv) of RTI Act, the public authority should consider pension related information as life and liberty related information to provide quick access to information, publish necessary guidelines to deliver the pension related information and circulate amongst all CPIOs, and train them to provide such information concerning pension within 48 hours and the FAAs should initiate hearing proceedings within 48 hours. (CIC/BS/A/2016/001238 , dated 30/03/2017).

## **COMPLIANCE OF CIC ADVISORIES BY LIC**

The Information Commissioner Shri Bimal Julka, in his several decisions had observed that a voluntary disclosure of all information that ought to be displayed in the public should be the rule and members of the public having to seek information should be an exception. In his decisions, he had observed that the interests of investors/ policy holders who invest their hard earned money in the insurance companies like LIC, are matters of immense public importance. In a service oriented company like Life Insurance Corporation of India, it was noted with concern the manner in which the delivery of services was being implemented and therefore the Information Commissioner suggested its management to initiate immediate necessary steps to reorient its thinking, strategy and delivery in the larger public interest and had therefore advised the Public Authority to suo motu disclose such information, in future, in compliance with Section-4 of the RTI Act, 2005 to ensure transparency, objectivity and accountability in the functioning of the public Authority.

Acknowledging several advisories issued by the Information Commissioner in his decisions, the Chairman, LIC in compliance with the decisions of the Information Commissioner had reported several measures undertaken by them to ensure that the RTI Personnel were placed at every level within the organisation. With respect to suo motu disclosures of information under Section 4 of the RTI Act 2005, it was conveyed that all the important policies and guidelines of LIC had been made available on the LIC website-[www.licindia.com](http://www.licindia.com) under the heading "RTI Centre". It was also explained that the Corporation has also developed a robust grievance redressal mechanism for addressing complainants from its policy holders.

## **AN AMOUNT OF Rs. 5000 AWARDED AS COMPENSATION TO THE APPELLANT FOR THE DETRIMENT CAUSED TO HIM.**

In regard to the compensation sought by the appellant, the appellant stated that adequate compensation may be provided to him for causing mental agony, trauma and anguish as denial of information has resulted in violation of his fundamental right to seek legal remedy in a court of law/Consumer Court.

The Commission noted that the appellant's RTI applications had not been handled properly and even the first appeal had not been disposed of due to which he had not received complete and timely information. For the detriment caused he deserved to be compensated, therefore in exercise of the powers vested in the Commission under section 19(8) (b) of the RTI Act, the Commission directed the department to compensate the appellant by an amount of Rs. 5000/- for the inconvenience and detriment caused to him (CIC/CC/A/2016/000546-AB, dated 22.05.2017.)

## **DOCUMENTS RELATING TO FRAME WORK AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE NATIONAL SOCIALIST COUNCIL OF NAGALAND**

The Commission held that public interest served by non-disclosure has to be weighed against the immediate public interest of disclosure. The immediate disclosure would have the benefit of explaining to the public and all stake holders the current status and thus help to develop an understanding and trust in the Govt and promote peace in North East region. In the present case the sovereignty and integrity of India and the security, the strategic interest of the State may be prejudicially affected. Between the two competing public interests, the Commission held the view that non-disclosure at this stage gives space to the Govt. to solve a long standing issue and bring about enduring peace and prosperity. This option is, therefore, more beneficial and is accepted by the Commission (CIC/CC/C/2016/000029, dated 15.05.2017).

## **INFORMATION ABOUT PROCESS OF CHARTERING FLIGHTS FOR PM'S FOREIGN VISITS AND FILING OF FLIGHT RETURNS.**

The Commission held the view that the Prime Minister's security inter alia involves national security. Disclosure of travel arrangements of the PM, whether foreign or domestic, involve important security concerns. The Commission observed that the information sought by the appellant falls under the category, the disclosure of which would prejudicially affect the sovereignty and integrity of India and security interests of the State, and hence attract the provision of Section 8(1)(a) of the RTI Act, 2005. However, the Commission directed to disclose date of receipt and sanction of bills. (CIC/CC/C/2016/000044 & CIC/CC/A/2015/004515), dated 11.01.2017).

## **MAINTENANCE OF RECORDS RELATING TO NOTARIES.**

The Commission observed that digital filing of records by notaries can be one possible solution for retrieving the record. The new records should be created by the notaries through a Law Ministry's online portal. As regards the old records, it may be scanned and uploaded on the web-portal so that it can be easily accessed and retained for long periods. The Commission advised the Secretary, Deptt. of Legal Affairs to expedite action on the orders of the Hon'ble High Court for bringing about the change in record keeping and to move towards digitization of their records pertaining to the notaries. This will facilitate replies to RTI applications and would also be in consonance with the section 4(1)(a) of the RTI Act 2005 (CIC/SS/A/2013/001032, dated 12.05.2017).

## **NO INFORMATION WITH DDA ON 7000 BRITISH ERA LEASED ASSETS.**

Keeping in view that the citizens of the country should have access to information about leased out public properties and check drainage of public revenue with respect to such properties, the Commission, in exercise of powers conferred under Section 19(8) of the RTI Act 2005 issued guidelines asking DDA to compile and publish on the website of the DDA information regarding all such properties which had been historically leased by the Government of India, name/s of the lessees, type of lease-private or Institutional, tenure of such lease/s, number of expired lease/s, action taken with respect to expired leases/s etc. (CIC/KY/C/2016/000023-YA, dated 20.01.2015).

## **MERE PENDENCY OF FINAL DECISION IS NOT GOOD ENOUGH REASON TO DENY INFORMATION**

The Commission observed that even if the matter of misconduct proceeding is pending before the Ethics Committee, no reason nor justification had been given by the respondent as to why information cannot be shared about the current status of the complaint/appeal file by the appellant and likewise about the status of suspension of Dr. Ketan Desai. In the event that the status of his medical registration has changed, the meetings when such decision to alter / change the suspension was taken is also not a piece of information which is exempt from disclosure under any of the provision of the under RTI Act. Mere pendency of final decision/examination/consideration of an issue is not good enough reason to deny information unless supported by valid reason and justification to substantiate that disclosure of information would be detrimental to the interest of the Respondent. Merely stating that the minutes of the Ethics Committee are quasi-judicial in nature does not make the same exempt under RTI Act, since there is no such provision under the Act.

The Commission also directed the respondent to provide the basis of appointment of assessors who conduct inspections on behalf of the MCI. The qualification of the professors or associates who are assigned the task should be made available to the appellant as such disclosure about qualification of Doctors/assessors etc. enhance the faith of patients and should thus be promoted by all means (CIC/YA/A/2016/001453, dated 9/1/2017)

## **MEDICAL COLLEGES TO FURNISH THE LIST OF STUDENTS ADMITTED IN EXCESS OF ADMISSION CAPACITY.**

The Commission held that it is in public interest and in the interest of thousands of meritorious students that the Central Government and the MCI should direct the Medical colleges to furnish the list of students admitted in excess of admission capacity for every academic session to the MCI and then take immediate appropriate action as laid down in section 8&9of the Medical Council of India (CRITERIA FOR IDENTIFICATION OF STUDENTS ADMITTED IN EXCESS OF ADMISSION CAPACITY OF MEDICAL COLLEGES) REGULATIONS, 1997 ( CIC/YA/C/2015/900420, dated 1/4/2016)

## **STUDENTS VISIT**



A delegation from MAEER's MIT School of Government, Pune visited the Central Information Commission on 7 Apr 2017 for interaction. The team comprised of Shri Rahul V. Karad, Founder & Dean and the participants of 12<sup>th</sup> Batch of MAEER's MIT School of Government.

## **CELEBRATION OF 3<sup>rd</sup> INTERNATIONAL DAY OF YOGA**



The Central Information Commission organised a celebration of 3<sup>rd</sup> International Day of Yoga on 21 June 2017



### **CENTRAL INFORMATION COMMISSION**

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Please visit [www.cic.gov.in](http://www.cic.gov.in) for more information about the Commission.

For any query/comment/suggestion, please write to [jslaw-cic@gov.in](mailto:jslaw-cic@gov.in)

(News letter does not purport to be summary of all activities of the Central Information Commission and figures are subject to finalisation.)