

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SG/C/2009/001566/5669Penalty-9
Complaint No. CIC/SG/C/2009/001566

SHOWCAUE HEARING:

Complainant : Mr. Rajeev Lala,
Room 123, Mandavi Hostel,
JNU, New Delhi- 110067

Respondent : Dr, Hari Om
Principal
Sri Aurobindo College,
Malviya Nagar, New Delhi - 110017

Background:

The Commission received a complaint dated 12 November 2009 from Mr. Rajeev Lala in which he stated that he had visited the website of Sri Aurobindo College and he alleged that the College had not displayed the information as required by Section 4 of the RTI Act. All Public Authorities were required to comply with the Section 4 disclosures by 12 October, 2005 as stated at Section 4(1)(b) of the RTI Act. The Commission had sent a demi-official letter on 28 May 2009 to remind the Principal of the College regarding this obligation. A seminar was held on 7 June 2009 at Delhi University to explain the relevance and importance of Section 4 disclosure to the Principals and PIOs of colleges of the Delhi University. At the Seminar, the Vice Chancellor and the Information Commissioner had urged all colleges to ensure that the Section 4 requirements were complied by 15 August 2009. The Commission again sent reminder letters in this regard to the College on 12 August 2009. In this letter it was stated that if Section 4 of the RTI Act remained un-implemented, the Commission would be constrained to use the powers under the RTI Act and initiate proceedings against erring institutions.

The Commission perused the website of the College and found that the College had not met its obligations with regard to *suo-moto* disclosures under Section 4 till date. In view of its repeated violation of the law and refusal to pro-actively disclose the details as per Section 4 of the RTI Act, the Commission decided to institute an enquiry under Section 18 (2) of the Act. The Commission decided to hold show cause hearing in this matter on 24 November 2009 at 3.30 pm. The Respondent, as the head of the public authority was directed to appear before the Commission on 24 November 2009 along with his/her written submissions to the Commission on show cause why penalty under Section 20 (1) should not be imposed on him/her for refusing to meet his/her legal obligations under the RTI Act. He/She was informed that he/she would be given an opportunity of giving his/her reasons orally before the Commission.

Relevant Facts emerging during Show Cause Hearing on 24/11/2009:

The following were present:

Complainant: Absent;

Respondent: Dr. Hari Om, Principal;

The Principal accepts that Section-4 compliance has not been complied with and assures that Commission that all efforts shall be made to ensure that the transparency norms are fully complied with.

In spite of repeated reminders the college does not appear to be willing to meet the Section-4 requirements of the RTI Act. Hence the Commission imposes a penalty of Rs.5000/- on the Principal of the College, Dr. Hari Om. The Principal is also directed to comply with the requirements of Section-4 completely before 30 December 2009 and send a compliance report of this.

Decision:

As per the provisions of Section 20 (1) of the RTI Act 2005, the Commission finds this as a fit case for levying penalty on the Dr. Hari Om, Principal. Since there has been a delay in complying with the order of the Commission, the Commission is passing an order to levy a penalty of Rs 5000/-.

The Chairman, Governing Body is directed to recover the amount of Rs.5000/- from the salary of Principal and remit the same by a demand draft or a Banker's Cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Central Information Commission, 2nd Floor, August Kranti Bhawan, New Delhi – 110066. The amount shall be deducted from the salary of Dr. Hari Om, Principal and deposited before 10th December 2009.

Shailesh Gandhi
Information Commissioner
24 November 2009

1. Chairman,
Governing Body,
C/o Sri Aurobindo College,
Malviya Nagar, New Delhi - 110017

2. Mr. Pankaj K.P. Shreyaskar,
Joint Registrar and Deputy Secretary
Central Information Commission,
2nd Floor, August Kranti Bhawan,
New Delhi – 110066