

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SM/A/2010/001432/SG/14809
Appeal No. CIC/SM/A/2010/001432/SG

Relevant Facts emerging from the Appeal

Appellant : Mr. Akshay Pant
South Point
Shadipur Post Office
Port Blair- 744106

Respondent : Public Information Officer
Andaman and Nicobar Administration
Directorate of Social Welfare
Goal Ghar, Port Blair

RTI application filed on : 09/04/2010
PIO replied : 13/08/2010
First appeal filed on : 18/05/2010
First Appellate Authority order : Not ordered
Second Appeal received on : 19/10/2010

Sl.	Information Sought	PIO's reply
1.	Entire File noting for the following information: a) Entire files noting in regard to action taken from the date of submission of enquiry report by Miss. Rita Devi in regard to commitment of suicide by one Suchitra Mondal who was residing in Orphan Home. b) Entire files noting in regard to action taken for filling up the vacant lying post of Child Development Project Officer , Ferrargunj and Rangat since the year they are lying vacant.	a) Exemption from disclosure of section-II Rule 8 (1) (h). b) The issue is under process, submitted to the Administration. Information will be furnished on completion of process.
2.	Date of start of functioning of Orphan Home in these Islands.	1992
3.	Names, year of appointment and educational qualification of the candidates whose names were forwarded to DPC for filling up the post of Superintendent (O.H).	Already given on 08/07/2010.
4.	Copy of appointment order of Miss. Rita Devi to the post of Mukhya Sevika and Superintendent (on Ad- hoc basis and regular basis).	Already given on 08/07/2010.
5.	Names of the various schemes being implemented by the Director of Social Welfare and being looked after by Ms. Rita Devi Superintendent (O.H).	Work allocation order placed vide Annex-I.
6.	Names of the various schemes being implemented by the Director of Social Welfare and being looked after by Sh. A.K. Biswas, Probationary Officer (J.H).	Work allocation order placed vide Annex-I.
7.	A copy of guidelines issued /framed by the A & N Administration /Directorate of Social Welfare for admitting	Already furnished vide letter No. 12-41/ICDS/2533 dated: 11/12/2009.

	children in Orphan Home.	
8.	A copy of letter received from the parents /relatives stating there economic condition / financial condition of the children admitted in Orphan home and the same being recommended by Pradhans/ Councilors /NGO's during public hearing in U. Governor, Secretariat.	Exemption from disclosure of section-II Rule 8 (1) (h).
9.	Total number of application received from Self Help Groups and others for supplying of raw ration articles to the Anganwadi centers of ICDS Project Urban and Ferrargunj for year 2010—2011.	Applications received from Self Help Groups for supplying of raw ration articles to the Anganwadi Centers of ICDS Project. Urban —20 Nos. Ferrargunj — 20 Nos.
10.	Name and address of the Self Help Groups and others who have been awarded supply order for supplying of raw ration articles to the Anganwadi centers of ICDS Project Urban and Ferrargunj for year 2010—2011.	Name and address of the Self Help Groups and others who have been awarded supply order for supplying of raw ration articles to the Anganwadi Centers of ICDS Project Urban and Ferrargunj are placed at Annex-II & III.

Grounds for the First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA):

Not ordered.

Grounds for the Second Appeal:

Unsatisfactory information provided by the PIO and no order passed by the FAA.

Relevant Facts Emerging during Hearing:

The following were present:

Appellant: Mr. Akshay Pant on video conference from NIC-Port Blair Studio;

Respondent: Absent;

The appellant states that he has received information on all the queries except queries 7 & 8. The PIO has claimed that he has given the information regarding query-7. He is asked to refurnish the information again to the Appellant. As regards query-8 the PIO has claimed exemption under Section 8(1) (h) of the RTI Act without giving any justification as to how Section 8(1)(h) applies in the instant case. In any appeal proceedings the onus to prove that the denial of request was justified is on the PIO. He has not provided any justification in his reply given to the Appellant on 13/08/2010 nor has he offered any explanation at the time of hearing. A mere statement that information is being denied under particular sub-section of Section 8(1) cannot be considered as ground for denial of information unless some reason is provided as to how the exemption applies to the information sought by the Appellant. In view of this the Commission does not accept the PIO's claim for exemption under Section 8(1)(h) of the RTI act for the information sought by the Appellant at query-8. The Commission warns the PIO that denial of information without proper justification under RTI Act would invite the penal provisions of Section 20(1) of the RTI Act.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information on queries 7 & 8 to the Appellant before 15 October 2011.

This decision is announced in open chamber.

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

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
23 September 2011

(In any correspondence on this decision mention the complete decision number) (NB)