

CENTRAL INFORMATION COMMISSION
Complaint No.- CIC/PA/C/2009/000011 dated: 31.12.'09
Right to Information Act- Section 18

Complainant: Shri Sarvesh Sharma

Respondent: CPIO, High Court of Allahabad, Uttar Pradesh.

Facts:

The Commission has received a complaint from Shri Sarvesh Sharma of Vasant Kunj, New Delhi that his request dated 27.02.2009 submitted to the Central Public Information Officer, High Court of Allahabad, Uttar Pradesh, seeking copies of the latest returns submitted by all the district courts under his jurisdiction in respect of different categories of cases pending before them, has not been responded to, even though the same was duly submitted again along with requisite fee of Rs. 500/-, in light of the advice of the CPIO in his earlier response dated 16.02.2009 in connection to complainant's earlier application dated 19.01.2009.

Admitting the complaint of Shri Sarvesh, the Commission served a notice on CPIO, High Court of Calcutta, on 05.05.2010 for furnishing comments on complaint. In response, the CPIO & Joint Registrar (E) submitted his comments on 19.05.2010 with a copy also endorsed to the complainant. The CPIO has informed the Commission that the desired information by the complainant has already been provided vide letter no. I.C. 6611 dated 26.11.2009. The complainant has filed no rejoinder against the comments submitted by the CPIO.

Decision

From a perusal of facts available in the comments, it has been observed that the CPIO has, however, responded to the request of the complainant but late by seven months approximately which is a comprehensive delay.

In light of the above the CPIO, High Court of Allahabad is hereby directed to show cause as to why a penalty of Rs. 250/- per day from the date when the information fell due i.e. 27.03.2009 to the date when the information is actually

supplied i.e. 26.11.2009, not exceeding Rs. 25,000/- should not be imposed on him under Section 20(1) of the RTI act. The CPIO may submit his/her written submission on or before 10.08.2010

On the other hand the desired information has now been sent to the complainant on 26.11.2009 by the CPIO. The complainant is hereby advised that should he find the response incomplete, he may approach the 1st appellate authority of the court and consequently if, not satisfied with the information provided on his 1st appeal, he will be free to move a 2nd appeal before us u/s 19(3).

Consequently, the other issues raised by the complainant in his complaint petition are '*fee structure for processing requests made by public under the RTI Act*' and '*information related to pending cases in Courts under the jurisdiction of the High Court should be proactively provided under Section 4 of the RTI Act, 2005*'

As far as it concerns to the 1st issue raised in the complaint petition of the complainant regarding fee structure for processing requests under RTI, the Commission in decision dated 31.12.2009 in complaint No. CIC/WB/C/2008/00230 Shri Omkar Prasad Maheshwari Vs. High Court of Delhi in which we have held the followings:-

“Prescribed” as mentioned under Section 2(g) means “prescribed by rules made under this Act by the appropriate Government or the Competent authority as the case may be”. Under section 2 (e)(iii) of the Right to Information Act, 2005 the Chief Justice of High Court is the ‘Competent Authority’ so designate, and hence the Rules framed to carry out the provisions of this Act regarding the fee payable under Sub Section (1) of Section 6 and under subsection (1) of section 7 is in accordance with the Right to Information Act, 2005.”

In light of the above, the High Court is a competent authority for framing rules for processing applications received under RTI Act, 2005.

Consequently, the other issue regarding proactively disclosure of pending cases in various courts under Jurisdiction of High Court of Allahabad, the Commission in light of the provision u/s 25(5) of the Act, hereby recommends the Registrar, High Court of Allahabad to envisage a system by which such information should be proactively disclosed in public interest.

The complaint is disposed of accordingly. Notice of this decision be given free of cost to the parties.

Wajahat Habibullah

(Chief Information Commissioner)

26.07.2010

Authenticated true copy, additional copies of order shall be supplied against application and payment of the charge prescribed under the Act to the CPIO of this Commission.

Pankaj K. P. Shreyaskar

Joint Registrar.

26.07.2010