

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

STARRED QUESTION NO:288

ANSWERED ON:16.03.2011

DENIAL OF INFORMATION

Laguri Shri Yashbant Narayan Singh;Mahendrasinh Shri Chauhan

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the Government has inquired into the complaints regarding nonsupply of information in time under the Right to Information Act, 2005;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) the number of cases in which information could not be provided due to non-availability of records during the last three years and the current year;
- (d) whether the persons found guilty were penalised for not providing information in time;
- (e) if so, the details thereof during the last three years; and
- (f) the action taken by the Government in the cases where records are not available?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS AND MINISTER OF THE STATE IN THE MINISTRY OF PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) to (f): A statement is laid on the table of the House.

STATEMENT REFERRED TO IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 288 by SHRI YASHBANT N.S. LAGURI AND DR. MAHENDRASINH P. CHAUHAN for 16.03.2011 REGARDING 'DENIAL OF INFORMATION'

(a): As per Right to Information Act, 2005, if information sought is not supplied in time, the applicant may file a complaint to the Information Commission concerned under Section 18(1) of the Act, who is authorized to conduct an inquiry into the issue. The Act also provides that if information is not supplied within time or if the applicant is aggrieved by a decision of the Public Information Officer (PIO), an appeal may be filed before the Departmental Appellate Authority. In such cases, second appeal may be made to the Information Commission, if the applicant is not satisfied with the decision of the Departmental Appellate Authority. As such, Information Commission is the final authority for adjudicating or conducting an inquiry relating to cases where information is not supplied or information is not supplied within the specified time.

(b): The status of filing and disposal of complaints and appeals by the Central Information Commission in the last three years is given below:-

Year	Receipt	Disposal
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2007-08	11,261	7,722
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2008-09	15,426	13,322
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2009-10	22,800	19,482
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(c): Information is not centrally maintained.

(d) & (e): Section 20(1) of the Act, provides for imposition of a penalty on the Public Information Officer in the following cases:-

(i) Refusal to receive application for information or not furnishing information within the time specified, without any reasonable cause;

(ii) Malafidely denying the request for information;

(iii) Knowingly giving incorrect, incomplete or misleading information;

(iv) Destroying information which was the subject of the request or obstructing in any manner in furnishing the information.

The Central Information Commission imposed penalty in 54 cases in 2007-08; 227 cases in 2008-09; 98 cases in 2009-10; and 238 cases in 2010-11 (till 08.02.2011). These include the cases where the information was not supplied in time.

(f): The Central Government has requested all the Ministries/Departments to, inter alia, maintain all its records duly catalogued and indexed and also to issue necessary instructions to public authorities under them in this regard.