

No.F.17/7/04/AR/ 3519 - 3668

Dated: 27/4/09

OFFICE ORDER**Subject:- Implementation of Penalty Provisions under  
Delhi Right to Information Act/Rules.**Attn: Pooja Kumar  
Express Line

It has been reported that certain officers appointed as Competent Authorities under the Delhi Right to Information Act, 2001 have not been implementing the orders of the PGC directing supply of information. Complaints have also been received about some officers indulging in subterfuge with a view to avoid having to give the information. The following kinds of tactics have come to the notice of the PGC:-

- (i) Letters communicating the Competent Authority's decision are said to be issued, though they are not received by the applicants.
- (ii) Exorbitant fees are demanded alongwith the application, even though the Rules clearly lay down the fee applicable.
- (iii) One Department adopted the extraordinary and completely illegal procedure of asking the applicant for proof, regarding his nationality, educational qualifications, technical knowledge etc.
- (iv) When the applicant is asked to deposit the prescribed fee at Rs. 5 per page (Rule 8), irrelevant and unsolicited information is added so that the number of pages multiplies and so does the fee.
- (v) The applicant is told that the files/records are not "traceable".
- (vi) The procedure for receiving applications is not streamlined and the applicants have to, in some cases, file appeals because they are unable to get their applications accepted.
- (vii) Some departments/organizations have appointed several Competent Authorities. There is no system for collecting information within the same organization. This further leads to delay and confusion.
- (viii) Competent Authorities do not sign the replies and unauthenticated copies are given, accompanied by a letter signed by some other official.
- (ix) Information is denied on such flimsy grounds like "it is confidential", "it may be used in a court case", "it may be used against the Department", "it is voluminous" etc.

2. The lack of responsiveness undermines the objective sought to be achieved through the Right to Information Act. It attracts imposition of penalty provisions as prescribed under Section 9 of the Act read with Rule 6. Henceforth the Public Grievance Commission would be quantifying the amount of penalty to be imposed, which would be recoverable from the Competent Authority. In all such cases where the Public Grievances Commission qualifies the amount of penalty or passes adverse remarks, the Head of Department will initiate minor penalty provisions under rule 16 of CCS (CCA) Rules forthwith. The amount must be recovered as per Rule 11(iii) of CCS (CCA) Rules. Secretary, PGC has been requested to furnish monthly reports to the AR Department in this regard also and that Department will keep track of processed intiated.

3. In rare cases where the department/organizations, find it difficult to implement the advice of the PGC due to factors like ongoing litigation, need to maintain confidentiality, the Head of Department may make a reference through the Chief Secretary to the Lt. Governor for final decision.

4. All HODs are directed to see that the orders are implemented and complied with within the department. Systems should be drawn up in a way that officers cannot deflect responsibility. At all times, the need to meet the objective of the Act must be kept in view.

Shailaja Chandra  
(Shailaja Chandra)  
Chief Secretary

To

1. All Pr. Secretaries/Secretaries/HODs  
Govt. of NCT of Delhi,  
Delhi/New Delhi
2. All Heads of Local/Autonomous Bodies  
Undertakings/Organizations  
Delhi/New Delhi