

Central Information Commission
Complaint No. CIC/SM/C/2010/00510
Right to Information Act-2005-Under Section (18)

Dated: 5 October 2010

Name of the Complainant : Shri Akash M. Saraf
SO/C, CDM, BARC,
Trombay, Mumbai - 400 085.

Name of the Public Authority : CPIO, Bhabha Atomic Research Centre,
Department of Atomic Energy,
Trombay, Mumbai.

The Complainant was present in person.

On behalf of the Respondent, Shri Goverdhan Rao was present.

2. We heard this complaint through videoconferencing. Both the parties were present in the Mumbai studio of the NIC. We heard their submissions.

3. The Complainant has alleged that the CPIO had summoned him and had misbehaved with him for seeking information under the Right to Information (RTI) Act. He also alleged that the BARC had issued a circular dated 17 March 2010 directing that the ACPIO should consider the RTI application for possible redressal before registering the same under the Right to Information (RTI) Act and thus, had tried to curb the right of the BARC employees in seeking information from the authorities. The CPIO submitted that although he had invited the Complainant for discussion regarding his RTI applications, he had not misbehaved with him at all and had provided the desired information within the stipulated time period. Regarding the circular, the CPIO explained that it had been issued not to curtail the right of the employees in seeking information but only with a view to ensuring that employee grievances were readily addressed.

4. We carefully considered the contents of the complaint and the submissions made by both the parties. We do not find much merit in the complaint. The information as desired has already been provided. However,

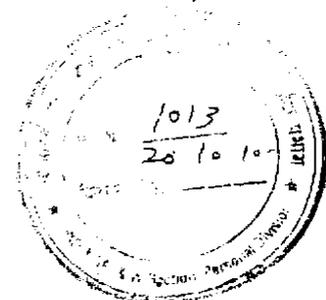
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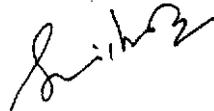
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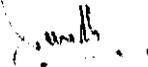
A | we find the directions given in the above circular to be somewhat problematic. When an application under the Right to Information (RTI) Act is preferred by a citizen, the CPIO or the ACPIO, as the case may be, must acknowledge it and provide the information within 30 days. Acceptance of an RTI application cannot be contingent on redressal of any other grievance. We hope the BARC authorities would modify their instructions suitably delinking the redressal of grievance and the acceptance of RTI application and the supply of information.

5. The complaint is, thus, disposed off.
6. Copies of this order be given free of cost to the parties.


(Satyananda Mishra)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.




(Vijay Bhalla)
Assistant Registrar