

**CENTRAL INFORMATION COMMISSION**

(Room No.313, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067)

**Before Prof. M. Sridhar Acharyulu (Madabhushi Sridhar), CIC**

**CIC/IMETD/A/2017/180724**

**Chetan Kothari v. PIO, Indian Meteorological Department**

**Order Sheet:** RTI filed on 09.09.2017, CPIO replied on 2.10.2017, FAA filed on 17.10.2017. FAO on 15.11.2017, Second appeal filed on 27.11.2017, Hearing scheduled on 31.01.2018;

**Proceedings on 31.01.2018:** Appellant present from NIC Mumbai, Public Authority represented by CPIO. Mr Bishwombhar from NIC Mumbai

**Date of Decision – 05.02.2018:** Directions for compliance, Show-cause issued

**ORDER**

**FACTS:**

1. Appellant on 09.09.2017 sought the list of dates and details of all warnings/red alert issued by the department, the reason of warning/red alert ex. Heavy rain, earthquake, cyclone, storm, etc, the place for which it was issued, and whether it turned to be true or false. Mr. Bishwombhar, CPIO, RTI cell, Mumbai replied on 02.10.2017 that the RTI application was incomplete and the appellant is required to specify the area/region, for which information is demanded. The CPIO also mentioned that earlier the appellant was communicated through office letter no. 4422/F-14012/VI/2016-17/RTI/dt.21.09.2017. Subsequently, the Meteorological Department, Mumbai requested the appellant again on 02.11.2017 to deposit Rs. 5808 (inclusive of Rs. 886 as GST) in advance in response to earlier RTI application against which also he filed an appeal that is being heard together today. They also demanded a certificate of undertaking, in a given Performa (or Xerox copy of the same) duly signed, Formal letter duly signed by the party requesting for Meteorological data giving complete details of purpose for which the data is required along with complete address, E-mail and contact number for correspondence. FAA held on 15.11.2017 that the CPIO had asked the appellant to deposit additional charges and transferred the application to Pune for remaining information.

## **Decision:**

2. Mr. Bishwombhar, CPIO submitted that the appellant's RTI was received on 11.09.2017 and they sought clarification regarding the specific area and period pertaining to which the appellant wanted the warning/red alert related information and also demanded Rs 300 for providing 150 pages of information. Subsequently, Rs 5808/- including GST Rs. 886/- charges; as the information originally sought in RTI was voluminous in nature. He also stated that according to the Indian Meteorological Department Norms, the weather warning/alert related information is only provided to a research student/ scholar, University, hence, they demanded an undertaking from the appellant seeking the purpose for which such information was required. He also filed to justify the imposition of GST of Rs. 886/- along with cost of copying. Such an imposition of tax was not legally supported. Public Authority cannot quote a price for the information treating it as goods or service of sellable nature. Besides, giving information is not even service, being transparent is the inherent duty of Public Authority and CPIO can only collect the cost of copying charges so that the government exchequer is not affected. Therefore, the demand of GST charges made by the CPIO is illegal and unreasonable.

3. The CPIO gave contradictory responses to the applicant and also the Commission. On one hand he says he has asked for Rs 300 and Rs 5808 for giving information and on the other, he says unless appellant gives an undertaking that he does not misuse the furnished information, he would not be given any information. He said because he has not given that undertaking, the information was not given. How could the information like how many weather warnings turned out to be true be misused by anybody? Then, what is the basis and validity of demanding an undertaking that applicant would not misuse the information given under RTI Act? It is absolutely baseless and illegal. Assuming that there was a practice in respondent public authority to demand an undertaking, it is overridden by Section 22 of RTI Act in 2005. The senior officer of the department designated as CPIO does not have an understanding of the effect of enactment of Parliament in comparison with an office practice. According to him, the CPIO need not follow the RTI Act as the practice in department has to be continued.

4. The work of the public authority is of universal requirement and information needs to be disseminated without any lapse of time. They should also disclose their working methods, how they prepare warnings, how effective those warnings are, why some warnings worked and why some did not. If they find the demand for information is voluminous, they should have given the latest years' information and took some time for furnishing the rest later. The CPIO was silent and no piece of information was given till today. Demanding an undertaking that applicant will not misuse the information given indicates anti-RTI mechanics and abdication of legal duty under RTI Act.

5. The appellant stated that he wanted the basic procedure following which warning/red alert regarding weather conditions is issued by the Department and how many warnings turned out to be true or false. The CPIO is directed to provide a detailed report to the appellant explaining the procedure through which such alerts are issued by the Department, and how many such warnings issued in calendar year of 2017 turned out to be true or how many failed, free of cost, within 15 days of receipt of this order.

6. The Commission directs Mr. Bishwombhor, CPIO to show-cause why maximum penalty should not be imposed upon him for not furnishing the information within prescribed timelines, rejecting the request on illegal grounds mentioned above; and for demanding GST charges from the appellant for the information sought.

7. The responses must reach this Commission, before 05.03.2018 and the matter is posted for hearing on 05.03.2018.

SD/-

(M. Sridhar Acharyulu)  
Central Information Commissioner