

വിവരാവകാശ അപേക്ഷയുടെ കവറിൽ അപേക്ഷക്ക് പകരം വെള്ള കടലാസ് രാത്രം അയച്ചു വിവരാവകാശ നിയമം ദുരുപയോഗം ചെയ്തതായി കമ്മീഷൻ ബോധ്യപ്പെട്ടു. ഈ കേസിൽ അപേക്ഷകന്റേതിനെ നടപടി സ്വീകരിക്കുവാൻ കമ്മീഷൻ നിർദ്ദേശിച്ചു

Observation: A case of unethical misuse of RTI by a lawyer

Heard on 02.01.2015. Complainant is present. Respondent is represented by Dr. Nisha Agarwal.

FACTS:

1. It is a case where a white paper is mischievously posted as RTI application and the time of PIO, FAA and CIC is consumed in a most unethical manner by a clever lawyer. The complainant through his RTI application (white paper) allegedly dt 9.5.2014 sought for information in relation to a widow pension, no. of application submitted with respect to it, detail of the application if rejected.

2. Claiming non furnishing of the information, complainant approaches the commission under section 18 of the Act.

DECISION

3. During the hearing the respondent submitted that complainant has sent a white paper instead of RTI application in the envelop. The complainant has even approached the first appellate authority and was absent on the date of hearing before FAA.

4. FAA, vide order dt 4.7.2014 disposed of the matter with the following observation:

"As the PIO/District Social Welfare Officer (West) has not received the proper RTI application of the Appellant thus, no action is required to be taken in this regard. The appellant may either produce evidence of submission of above said RTI application to enable the PIO to furnish the requisite reply or file a fresh application in this regard."

5. When Commission asked why applicant has not responded to letter written by the PIO pointing out that only white paper was dispatched or to the order of FAA to give the copy of RTI application, the Complainant maintained silence.

6. After hearing the submission made, the Commission observes that the complainant is misusing the RTI Act and despite of FAA order he has not furnished the copy of RTI application to the respondent and he has nothing to show that he has not sent white paper. The Commission absolutely finds no merit in the complaint. It is a blatant and unethical misuse of the right to information given under the RTI Act by complainant who is also a lawyer. The lawyer/applicant caused wastage of public money at PIO's office, FAA's office and also at the CIC. He did not even pay Rs 10 as fee, as he did not attach the IPO also. After hearing this complainant, the Commission convinced that this is absolutely a case of misconduct which need to be probed. The Commission exercising its powers under Section 19(8)(a) requires the Bar Council of Delhi/Bar Council of India to probe whether the appellant is an advocate, and if so, did he resort to this kind of misconduct, inquire into and if proved to be misconduct take necessary action against his misconduct. It is in the public interest and in the interest of saving the regime of Right to Information, it needs to be protected from these kinds of manipulations and misuse. The prompt action of Bar Council in this regard will provide such protection.

Hence, the complaint/second appeal is rejected with a warning to appellant to desist from this kind of unethical, immoral practice.

Sd/

(M. Sridhar Acharyulu)
Information Commissioner