

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/NCFWO/A/2017/135800

Nammi Bano v. PIO, National Commission for Women

RTI	:	21.12.2016
First Appeal	:	25 th Jan 2017
FAO	:	Nil
Second Appeal	:	25.05.2017
Hearing	:	20.07.2017
Appellant	:	Present: Harsh Chachra, Advocate Brother of Appellant
Public Authority	:	Present: G Nagarajan, Ex -CPIO, VVB Raju, FAA, current CPIO A. Ahuja, and Dr. Satbir Bedi, IAS, MS
Decided on	:	26.07.2017 (Show-Cause)

INTERIM ORDER

1. Background: Appellant filed RTI application dated 21.12.2016 to Shri G. Nagarajan, CPIO (N. C. W.), Plot No. - 21, FC — 33, Jasola Institutional Area (New Delhi — 110025), seeking file notings, correspondence regarding extension (or non-extension) of contract of her employment, inquiry report, statements of witnesses, action taken on report etc through 16 points. As per Section 7 (1) of the RTI Act, 2005, the CPIO was to give the requested information within 48 Hours / 30 days of the application, however, NO INFORMATION was received. A reply dated 30.12.2016 of Shri G. Nagarajan, was received. She made telephone calls in response to instructions in that letter, but they were not answered. Her e-mail dated 06.01.2017 to the CPIO, NCW, also was without any response. She filed the First Appeal dated 25.01.2017. The Commission heard the second appeal on 06.06.2017 and issued the following order:

The Commission's order dated 16.06.2017:

2. "It is not known why NCW office was acting totally against the rights of the appellant and there was not an iota of effort to address her grievance or complaint or a problem and why the RTI wing of the NCW has totally blocked the access to information to the appellant. And above all the Member Secretary is silent on her complaint.

3. Though the appellant elaborated 16 requisition points, all of them could have been addressed with simple offer of inspection and furnishing of chosen documents as per RTI Act.
4. The submission of the appellant reflect unhealthy environment at workplace in the forum which is supposed to protect the rights of women. Her right to life, right to work and right to information were seriously endangered by sexual harassment by senior officer.
5. Because the allegations leveled against the NCW officers are of serious nature, and that there was no representation in the hearing from NCW, the staff of this CIC contacted the CPIO for their response. He was informed that he can send a written response at least. But there was no response till today. Non-response of National Commission for Women to two complaints of sexual harassment within their organization, allowing an officer who was accused of sexual harassment, to deal with the first appeal under RTI Act ignorance of the notice from CIC was surprising. Section 10 of the National Commission for Women Act, 1990 says:

Section 10. Functions of the Commission.—(1) *The Commission shall perform all or any of the following functions, namely:— (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other law;....*

(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;

(f) look into complaints and take suo moto notice of matters relating to—

(i) deprivation of women's rights;

(ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women...

6. At least in case of this appellant, the NCW has totally ignored its primary functions under section 10. If this is the fate of woman who is working as research assistant in National Commission for Women, what will be the plight of ordinary women outside the NCW? The National Commission for Women has a Constitutional duty to explain reasons for breach of two statutes on Sexual Harassment and Right to Information in case of this appellant. Why NCW not acted upon a) two complaints of sexual harassment, b) removing the appellant along with other two persons and reinstating those two persons, where the transaction seems a plan to remove the appellant alone, c) increasing remuneration of members of ICC d) not providing the information sought also, the witnesses claiming lame and illegal excuses to deny the information.
7. Hence, the Commission directs:
 - a) To furnish their response on this alleged inaction (explained in para 18 above)

- b) To facilitate inspection to the appellant on 27.06.2017 at 11:00 a.m. with regards to the files of ICC, statements, inquiry report, action taken in this, and provide certified copies of the documents sought at free of cost along with the files pertaining to increasing remuneration of ICC members and witnesses, file notings for extension of appellant's contract including remarks on satisfactory work including the inquiry report and the action taken report on that at free of cost;
 - c) The CPIO Mr. G Nagarajan to show-cause why maximum penalty should not be imposed against him for not furnishing the information sought by the appellant within stipulated time, before 14.07.2017.
 - d) The Deputy Secretary, Mr. V.V.B. Raju, considering him as deemed PIO, to show cause why maximum penalty should not be imposed against him for obstructing the access to information as alleged above, before 14.07.2017;
 - e) The First Appellate Authority Mr. VVB Raju explain why disciplinary action should not be recommended against him for violating law in dealing with first appeal under RTI Act, in spite of being accused of sexual harassment of the complainant, which could be a clear case of conflict of interest
 - f) The Member Secretary to explain why the NCW should not be ordered to pay compensation to the appellant for the harassment, and to explain his action/inaction on the complaint of the appellant,
 - g) In exercising the powers under section 18 (1) of RTI Act, the respondent authority to conduct inquiry on the appellant's complaints against Mr. VVB Raju, for the increase in remuneration of inquiry committee members and witnesses before inquiry committee in complaints on sexual harassment and provide the report to this Commission, before 14.08.2016. Non-response by the prescribed date compels the Commission to presume that has nothing to explain moreover, proceed further under RTI Act, 2005.
8. The Commission recommends the Chairperson of National Commission for Women to consider this second appeal, including this order, as a complaint against inaction in NCW on the complaints of sexual harassment and breach of RTI, to save the credibility and reputation of NCW, within reasonable time and perform its duty to cleanse the RTI wing including the First Appellate Authority to make it objective and secure it from misconduct and breach by officers".

Proceedings on 20.7.2017

9. Appellant Ms Nammi Bano, her brother, legal counsel Ms Harsh Chachra, former CPIO Mr. Nagarajan, new CPIO Mr A Ahuja, Member-Secretary Dr

Satbir Bedi IAS, Deputy Secretary Mr V V B Raju were present. Officers explained that they facilitated inspection of all available files to the appellant, her brother and legal counsel on 7.7.2017 and more than 950 pages of information as sought were dispatched to the appellant. Appellant agreed that inspection was facilitated as per the CIC order but, the papers sought were yet to be received by her. The CPIO said that all the certified copies were sent by post on 17th July 2017 and they might be delivered sooner or later.

10. The appellant Ms Bano and her counsel claimed that the service file of Ms Bano, file of Mr VV B Raju with papers about his appointment, extension of service etc were not shown to her; some of the files were incomplete while most of them are in a highly disorderly manner, without having serial numbers; a very important file about internal complaints committee inquiring into her complaint and another complaint of Ms Sucheta Verma were not properly arranged; the two inquiries were mixed up and it requires a lot of time to find out the papers in order and understand; they do not know why the two inquiries into Sexual Harassment complaints were mixed up; claimed that the file of appointment and extension of Mr. VVB Raju, Deputy Secretary and First Appellate Authority under RTI Act, who is also accused in complaint of sexual harassment by the appellant, was not shown to her, on the excuse that the file was under process with Chairperson.
11. The note written by the CPIO Mr. Ahuja on day of inspection 7.7.2017, reflected this point that the file of VVB Raju was with the cp. To a question, Mr. Ahuja CPIO answered that the CP means Chairperson and submitted that the file could not be shown because it was with the Chairperson. It is clear that the order of this CIC was partially not complied with.
12. The counsel for appellant Ms Harsh Chachra stated that waiting for more than one year and continuous efforts to secure some papers was successfully ended with inspection but the non-production of important files, incompleteness of some files, missing papers, disorderly maintenance of files, lack of sequential page numbers to files suspected the Commission has used deliberate confusion and created ambiguity to deny the information. Lack of time and number on files were other reasons that made the inspection incomplete. Hence the appellant pleaded for another comprehensive inspection of files and requested for the release of documents required.

13. Appellant Nammi Bano made highly emotional appeal to the Commission about continuous harassment by Mr. VVB Raju, ever since he assumed office of Deputy Secretary and FAA at NCW. She alleged that: Mr. VVB Raju used to instruct her to obtain his signatures on the files personally, and used to keep the files pending until she brings them; when she brings the files, she was asked to wait for a long time beyond the office hours; She represented to chairperson and other officers including one whom she has to report, i.e. immediate boss, about this harassing conduct of Mr Raju, but they were strongly defending Mr Raju; She was advised to take files to him, as she was subordinate and She was appreciated by several officers for her work, her reporting officer also directed her to go to Mr. Raju personally with the files; When she refused, Mr. Raju started spoiling her unblemished career, and attempted to build file during reissuance of term of contractual employment as research associate; her salary was reduced from Rs 10,000 to 8.000: Three research associates(including herself) were not re-issued with the contract and later he issued appointment contracts to two others, thereby conspired to remove her on some complaints which were not filed by anybody; as Mr. V.V.B. Raju enjoyed complete support from Chairperson and others, he was emboldened to continue sexual harassment; there was no action at all on her complaint, her colleague-witnesses were at the mercy of Mr. V.V.B. Raju and other officers for extension of their employment contracts and hence could not fearlessly talk about truth of sexual harassment during inquiry; everybody knew about his conduct, but none dared to give witness against him; Ms. Rakesh Rani, Research Assistant spoke about truth of his misconduct, but she is now being harassed; other witnesses told her that they cannot risk their jobs and increments; the public authority suppressed the information sought deliberately; Mr.Raju prevented the CPIO from giving information; Mr. Raju prevented even the first appellate authority from hearing the appeal; chairperson was having all support for Mr. Raju but no empathy towards her; Chairperson did not consider her personal representation at all; Chairperson withheld the key files from her to deny her access under RTI, Chairperson instructed the office people not to speak to her, because of which none were communicating with her till she was thrown out; in spite of CIC order to provide the documents for inspection; Mr. Raju continued to wield influence to prevent supply of information and other files to her; only

after intervention of CIC inspection was allowed and the office claimed that a bundle of 950 plus pages was dispatched to appellant, which is yet to be delivered.

14. Appellant was visibly upset at the presence of Mr V.V.B.Raju during the hearing. None, including her brother and counsel, could console her, when she was narrating the sufferings as tears rolled down. She went on giving details of harassment- sexual and work related, for more than a year. Mr. Raju maintained stoic silence all through without even attempting to condemn, whereas the CPIO Nagarajan defended himself saying he disclosed information as available. This silence is also could be a reflection, which could be interpreted. If the allegation is concocted and totally untrue, any accused will certainly react and make an attempt to explain. Mr. Raju made no such attempt.
15. The officers defended Mr. Raju by saying that appellant filed sexual harassment complaint because her services were not continued. Within minutes the truth was spilled out when Commission inquired into dates. Files disclosed that the Internal Complaints Committee heard the complaint of sexual harassment and gave report on 11.5.2016, and she was discontinued on November 2016, she filed RTI application on 21.12.2016. It was inevitable for officers to agree that the discontinuation of service was proved to be subsequent to her complaint against Mr. Raju. It proves that Mr. Raju enjoys enormous support from these officers and that the appellant was victimized for raising her voice against the sexual harassment by Mr Raju. The appellant and her counsel explained how the inquiry was a sham, as most of the witnesses could not open their mouth against Mr Raju as they are all at his mercy for extension of their contractual appointment, there was one employee who stood by truth but being victimized by the administration for it. As long as the contractual employment continues as a valid system of recruitment, there is no possibility to bring out truth in any inquiry, more so in sexual harassment complaints, especially when entire administration supports the accused.
16. The victim-appellant narrated how she was fighting the powerful people in NCW. She said, "it is evident that a woman-research scholar is not safe in the NCW itself, how the women from outside could find any support or justice, when the Chairperson herself supports the accused, where the victims should go for help?"

17. A woman has right to file a complaint in NCW for alleged breach of her right to life and liberty or honour at workplace, but when such breach happened in the NCW itself, it is not possible for appellant-victim to file a complaint. With the powers given by the statute, the NCW should have taken up her oral representation or RTI Application or the written complaint as the complaint to the NCW and should have conducted a hearing as per the NCW statute. It appears the NCW has not only failed as a responsible employer at first instance in responding to her complaint and RTI request, but also as Commission, a statutory authority to hear case of a woman in their own office. This is not expected of NCW. The Chairperson has a moral duty to explain the people how NCW has thrown out a woman for complaining of sexual harassment against her deputy secretary, while the accused is continuously enjoying all support in office.
18. The Commission notes that NCW has partially complied with the order of CIC, and attempted to cleanse the RTI wing by replacing the CPIO G Nagarajan with Mr Ahuja. The appellant said some information was released only after Mr. Ahuja has taken over as CPIO. She also said the present member-secretary was responding positively.
19. The appellant said that she sought for grievances and complaints file to check up whether any complaints were filed against her performance, as claimed by Mr. Raju, based on which her services were not continued. But that file was not placed before her during inspection. She wanted to check up the files of two of her colleagues regarding their extension of services to compare with her's. She could not do so because of non-production of the files. Another important file she wanted to see was that of the accused officer Mr. VVB Raju to know how he entered the NCW and other details of his service. Most of the information should have been provided under Section 4(1)(b) of RTI Act. This file was simply not produced for the inspection on 7th July 2017. The reason cited therein was, the file of Mr. V.V.B. Raju was under the process before Chairperson. This shows still the office is not willing to give access to information, which might help appellant to prove her allegations, which means the office is trying to shield the accused. The Public Authority NCW has to understand that Section 20 of RTI Act could be invoked by the Central Information Commission on the non-compliance of its order, considering any officer who obstructed access as deemed PIO. Section 20 says:

- (1) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request **or obstructed in any manner in furnishing the information**, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*
- Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:*
- Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.*
- (2) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request **or obstructed in any manner in furnishing the information**, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.*

20. Once the file is held or controlled by public authority, it is considered to be public record and it has to be given in inspection subject to exceptions under RTI Act. Nowhere in the RTI Act stated that information could be denied because the file was with the head of the institution. It cannot be believed that the Hon'ble Chairperson did not know about the order of the CIC for facilitating inspection of concerned file. The allegation of sexual harassment against one of the important officer in NCW is a serious issue, which should have been in the knowledge of the Hon'ble Chairperson. It is not proper on the part of public authority to withhold some of the files on this excuse, which amounts to non-compliance of the order of the CIC and attracts penal proceedings under Section 20 of the RTI Act. This Commission in its order dated 16.6.2017 specifically made a recommendation to the Hon'ble Chairperson, stating: "*The Commission recommends the Chairperson of National Commission for Women to consider this second appeal, including this order, as a complaint against*

inaction in NCW on the complaints of sexual harassment and breach of RTI, to save the credibility and reputation of NCW, within reasonable time and perform its duty to cleanse the RTI wing including the First Appellate Authority to make it objective and secure it from misconduct and breach by officers". There is no reason to believe that Hon'ble Chairperson has not seen this order, which also contained a direction to facilitate inspection in earlier paragraphs. The material placed before and the contentions made by the parties leads the Commission to inevitable inference that the Hon'ble Chairperson, knowing the order of CIC, has obstructed the access to a key file by withholding it in her custody from inspection and hence the Commission is compelled to consider the Hon'ble Chairperson based on the files submitted, inspection notes and the submissions of CPIO and the appellant, as deemed PIO, to the extent the file held by her in this case. The Commission directs Hon'ble Chairperson Mrs. Lalitha Kumaramangalam, instruct the CPIO to produce the files relating to Mr. V.V.B. Raju first for inspection of the appellant, and then produce before the Commission on 28.8.2017.

21. As the files and contentions prove that one file could not be accessed because it was held by Honb'e Chairperson, Honb'le Chairperson has a duty to explain why Section 20 should not be invoked against this obstruction, before 28.7.2017.
22. The Commission studied the detailed notes submitted by the appellant's counsel Ms Harsh Chachri made in handwriting during inspection of files on 7th July 2017. She alleged in the notes that files were in the most disorganized way of files which might result in suppressing the information or removing of pages from anywhere. She complained that there were no sequential page numbers given to the sheets in the files. If it is true, it is a serious lapse on the part of public authority as far maintenance of records is concerned. There will be a scope of later removals and additions if there is no serial number to sheets. It is surprising that NCW maintain records in such a haphazard manner. The appellant alleged that several sheets were missing from various files. Appellant and her counsel vehemently contended that the files were reshuffled or kept in disorderly manner, without page numbers, lack in continuity, mixed up only to create ambiguity and confusion. The Commission directs the Member Secretary to inquire into the

complaint of reshuffling or mixing up of the files, denial of access to several files during inspection and submit the report explaining reasons for disorderly maintenance of files including mixing of files, denial of access to files, who did this & under whose orders, before 28th August 2017 and produce all those files during the hearing on 28th August 2017. The Member Secretary shall ensure all the directions of CIC dated 16.06.2017 and jthis be strictly complied with and a compliance report be filed before 28th August 2017.

23. The Commission again directs Mr. A. Ahuja, CPIO to facilitate inspection of files related to Mr. VVB Raju; files of Ms. Neha Mahajan and Mr. Varun Chhabra related to their appointment, extensions, work profile while engaged in NCW and file of complaints, to the appellant on 31.07.2017 at 11:00 a.m. as agreed by both the parties, as per RTI Act. The Commission directs the appellant, her brother and legal counsel to maintain peace and decorum at the time of inspection the other two shall assist her in the inspection without creating any disturbance. The Public authority has a duty to safeguard files and facilitate smooth inspection of all the files required, without making any lame excuses like the file with the Hon'ble Chairperson or some other office.
24. The Commission directs Ms. Vandana Gupta, the First Appellate Authority to show-cause why disciplinary action should not be recommended against her for not performing her statutory duty of conducting the first appeal in a fair manner, before 28th August 2017.

Penal Proceedings

25. Mr. Nagarajan, the CPIO till recently and Mr VVB Raju, the deemed PIO have submitted explanations in response to the Show Cause Notices. Mr. Nagarajan stated as follows:

(i) The application dated 21.12.2016 made by the applicant Ms. Nammi Bono was duly processed in the Administration Section of NCW for providing the information. The undersigned sent a reply to the applicant with the approval of the Competent Authority on 30.12.2016 as the undersigned is satisfied with the examination of the case by SO(Admn) which are covered under Section 8(1)(e) and 8(1)(j) of the RTI Act, 2015. However, the applicant was asked to contact the Section Officer, NCW to fix a mutually convenient date and time

for inspection of her personal file and take copies of relevant portion of the file by making payment of prescribed fee.

(ii) It may be seen that the applicant specifically sought at 4(a) of her application copies of the notings and correspondences in respect of the Officer Shri V.V.B. Raju, Deputy Secretary from his engagement to his repatriation which was not the factual position. Shri Raju is still working as deputy Secretary in NCW clearly shows that the information sought is covered under Section 8(1)(e) and 8(1)(j) of the RTI Act, 2005. Hence the undersigned as CPIO denied the information in respect of other functionaries of NCW with the approval of the Competent Authority in NCW and allowing inspection of information in respect of the applicant's own file.

(iii) It is humbly submitted that the notice for hearing on 6.6.2017 was not received by me and in fact that the same was received in NCW on 9.6.2017 at 11.30 a.m. only. The undersigned got relieved from NCW on 31.5.2017 and joined back the parent Organization viz., NITI Aayog. Thus, the undersigned was not in the knowledge of the hearing and came to know about the hearing held only when I am served with the copy of the CIC order to seek the reply of the undersigned by NCW on the order of CIC. Therefore, the hearing held was ex-parte and needs revision.

26. Analysis of above explanation leads to inference that Mr. Nagarajan has submitted the RTI application for the consideration of administration section, sent reply with its approval, and he asked appellant to contact the Section Officer, NCW to fix a mutually convenient date and time for inspection of her personal file. It is clear that he has abdicated his statutory responsibility and simply acted as agent of section officer of Administration Section. The appellant is victim of administration section headed by Mr. V.V.B. Raju and her request for information about administration itself, which was not only denied by the CPIO but she was handed over to the administration itself. His explanation about non-disclosure of file of Mr. V.V.B. Raju reveals that he did not apply his mind independently and invoked provisions of exceptions without any basis or justification. He did not discharge the burden of proof prescribed under Section 19(5) of RTI Act. Several High Courts explained in their orders that mere mention of section of exceptions would not be enough and that PIO has to justify each of them. This PIO has totally ignored it. He has not only unjustly denied the information but also harassed the appellant. Though inspection was facilitated, several important files were not shown to

appellant, which amounts to non-compliance. Even without taking into account this non-compliance, the illegal denial by PIO Mr. G. Nagarajan earlier is established and corroborated by his explanation, and thus he is liable for maximum penalty of Rs. 25,000/-.

27. Accordingly Mr. G. Nagarajan, Ex-CPIO & Under Secretary, NCW, now SO, NITI Aayog is directed to pay a sum of Rs.25,000/- in 5 equal monthly installments.
- 28.** The Appellate Authority is directed to recover the amount of Rs.25,000/- from the salary payable to Mr. G. Nagarajan, Ex-CPIO & Under Secretary, NCW, now SO, NITI Aayog by way of Demand Draft drawn in favour of 'PAO CAT' New Delhi in 5 equal monthly installments. The first installment should reach the Commission by **15.09.2017** and the last installment should reach by **15.01.2018**. The Demand Draft should be sent to **Shri S. P. Beck, Joint Secretary & Addl. Registrar, Room No. 302, Central Information Commission, B-Wing, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066.**
29. Mr. V.V.B. Raju has furnished the following explanation:
- i. Ms. Nammi Bano, ex-contractual employee of NCW had made an RTI application dated 21.12.2016 addressed to the then CPIO, for providing some information.
 - ii. As the applicant was not satisfied with the reply/information provided by the CPIO, she filed her first appeal under Section 19(1) of the RTI Act, 2005 on 25.01.2017 addressed to the First Appellate Authority with a prayer 'to instruct the CPIO in writing to give complete information as requested in her RTI application dated 21.12.2016 along with other prayers and also requested for personal hearing'. Since, the undersigned was designated as the FAA in the NCW and the applicant had made allegations against me, keeping in view, the principles of natural justice, I requested the Competent Authority in the NCW on 03.02.2017, to nominate a suitable officer as the First Appellate Authority in the matter.
 - iii. Accordingly, the Competent Authority in the NCW nominated the then Joint Secretary as the First Appellate Authority in this matter. Further, as noted on page 3 of the Order of the Hon'ble Information Commissioner, it was specifically mentioned that "*...On 23/24.03.2017 she received a call from the PS to Joint Secretary, NCW calling her for a meeting on her First Appeal, and*

she attended before the First Appellate Authority on 27.03.2017 at 3.00, along with her cousin Sh. Nafisuddin.....”

- iv. From the above, it is obvious that the undersigned was not the First Appellant Authority in the said matter and the First Appellant Authority had called the applicant and given the personal hearing in this matter. Therefore, there is no question of obstructing access to information to the applicant by the undersigned, as alleged in her Second Appeal.
 - v. Since I had recused from FAA in this case and the Competent Authority in NCW had appointed another senior officer to hear the first appeal. As such, the undersigned has not violated the law either in dealing with the RTI Act or the principles of natural justice, which could attract a case of conflict of interest.
30. In this explanation it is clear that Mr. Raju was defending the PIO, instead of explaining his conduct. This response shows that he has to be considered as deemed PIO for the purpose of denial of the information. The explanation of Mr. Nagarajan referred above also shows how the administration section influenced the denial. It is established beyond the doubt that Mr. V.V.B. Raju, the Deputy Secretary of NCW has directed the administration to deny the information to the appellant. He claimed that since he recused from hearing first appeal as appellant filed sexual harassment complaint against him, he was not concerned with the supply of information. There is an empty denial of the allegation of appellant that he influenced the CPIO. The explanation of Mr. V.V.B. Raju is absolutely not satisfactory. He tried to justify the denial, but failed. The Commission finds that to secure the rights of victim of appellant under Right to Information Act, it is required to impose penalty on this deemed PIO Mr. V.V.B. Raju. He is guilty under Section 20 of the RTI Act.
31. Accordingly the Commission imposes penalty of Rs. 25,000/- upon Mr. V.V.B. Raju, Under Secretary, NCW, to be paid by him in 5 equal monthly installments.
- 32.** The Member Secretary is directed to recover the amount of Rs.25,000/- from the salary payable to Mr. V.V.B. Raju, Under Secretary, NCW by way of Demand Draft drawn in favour of 'PAO CAT' New Delhi in 5 equal monthly installments. The first installment should reach the Commission by **15.09.2017** and the last installment should reach by **15.01.2018**. The Demand Draft should be sent to **Shri S. P. Beck, Joint Secretary & Addl. Registrar, Room No. 302, Central Information Commission, B-Wing,**

**2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi
110 066.**

33. The proceedings of hearing in this case reflect that the public authority has not allowed its own research officer a smooth access to public records, and made mockery of RTI Act. Neither the CPIO nor FAA acted independently nor they applied their judicious mind. A human rights organization like NCW, which was created by law to protect the rights of women, has sadly denied the human right, i.e., right to information, the group of authorities was unfortunately united to deny this right. Even after the order of the CIC, the public authority did not consider that it was its' duty to completely comply with the orders of the CIC. How the public authority allowed an accused of sexual harassment to influence the RTI wing and entire administration to deny the information? Though the Commission gave an opportunity to explain why compensation should not be ordered to pay to the appellant, no officer of the public authority submitted even a single word in response. None prayed the CIC not to award compensation, perhaps they have understood that they have to pay compensation for harassing her. It has to be presumed that they have no case to deny the compensation. Appellant was totally harassed by the office. Appellant is at liberty to claim compensation for sexual harassment under law of torts. But, for the harassment caused by denial and victimizing her further for filing complaints and RTI requests, she has to be compensated and provided with the costs, without any prejudice to her right to claim damages under Torts law. She was denied information for more than six months. Till today complete information was not given. It is difficult to calculate exact loss she suffered at the hands of various officers. Hence the Commission awards a token compensation of Rs. 50,000/- and directs the public authority to pay Rs. 50,000/- to the appellant-victim Ms. Nimmi Bano within 15 days from date of receipt of this order.
34. The appeal is posted for hearing the compliance proceedings on 28th August 2017 at 12 pm.

Sd/-
(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy.

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
National Commission for Women,
Plot No. 21, Jasola Institutional Area,
New Delhi-110025.
2. Shri Nammi Bano,
H. No. 115-A, 3rd Floor, Gali No. 4,
Jahaz Wali Gali, Johri Farm,
Jamia Nagar, New Delhi-110025.
3. Smt. Lalitha Kumaramangalam,
Chairperson, National Commission for Women,
Plot No. - 21, FC — 33, Jasola Institutional Area,
(New Delhi — 110025).
4. SHRI V. V. B. RAJU, Deputy Secretary,
(Designated First Appellate Authority under the RTI Act, 2005),
National Commission for Women (N. C. W.),
Plot No. - 21, FC — 33, Jasola Institutional Area,
(New Delhi — 110025).
5. Member Secretary,
National Commission for Women (N. C. W.),
Plot No. - 21, FC — 33, Jasola Institutional Area,
(New Delhi — 110025).
6. Shri G. Nagarajan,
EX/CPIO & Under Secretary, NCW,
Now, SO, NITI Aayog,
New Delhi.
7. Shri S. P. Beck,
Jt. Secretary (Admn),
CIC, August Kranti Bhawn,
New Delhi.