

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/YA/C/2015/000276/KY

Complainant : Shri Venkatesh Nayak
#55A, 3rd Floor, Siddharth Chambers-1
Kalu Sarai, New Delhi-110016

Public Authority : The CPIO
Dept. of Biotechnology, M/o. Science & Technology,
Block No. 2, 7th Floor, CGO Complex, Lodhi Road,
New Delhi-110003

Date of Hearing : 07.09.2016
Date of Decision : 07.09.2016

Presence:

Complainant : Shri Venkatesh Nayak
CPIO : Ms. R. Laxmi Devi, Under Secretary

FACTS:

- I. Vide RTI application dated **31.03.2015**, the Complainant sought information on **6 issues**.
- II. CPIO, vide its response dated **08.04.2015**, reportedly provided the information to the Complainant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **02.06.2015**, are contained in the Memorandum of Complaint.

HEARING

Complainant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

1. It would be seen here that the complainant, vide his RTI Application dated **31.03.2015**, sought information from the respondents on 6 issues as contained therein. Respondents vide their response dated **08.04.2015**, provided the required information to the complainant. Being aggrieved by the aforesaid response, complainant has filed his complaint dated **02.06.2015** before the Commission.

2. It is pertinent to mention here that respondent's vide their letter dated **08.04.2015**, returned the complainant's RTI application dated **31.03.2015**. On this, a query was raised to Ms. R. Laxmi Devi, Under Secretary, as to under what provisions of the RTI Act 2005, respondents have returned the RTI application to the Complainant, even if it is defective one. On this, Ms. R. Laxmi Devi, Under Secretary, **observed complete silence**, even if the same query was repeated to her **more than thrice**. One can understand that respondents are well within their right to reject the same or transferred it to the concerned public authority, if they are not concerned. Not only this, the respondents may also asked the Complainant for more clarification regarding the issue, if the same are not clear, but in no case, the RTI application is to be returned to the complainant. It is their (respondents) **legal obligation** to respond the complainant's RTI application. As such, the respondents are hereby **warned** not to do such things, **in future**.
3. It is to be further seen that complainant, vide his prayer clause as embedded in his complaint dated 02.06.2015, has prayed before this Commission as under:
- i) Admit this complaint against the respondent public authority for reasons explained below at para 8 below and hold an inquiry into the matters raised herein.
 - ii) Direct the CPIO of the respondent public authority to entertain the enclosed RTI application and make a decision under Section 7(1) of the RTI Act
 - iii) Recommend the initiation of disciplinary action against the Nodal Officer referred to at Para 3 above for reasons explained at para 8.7 below
4. During hearing of the case, the Commission posed a query to the Complainant, as to why he wants that this Commission issue a direction to respondents to entertain the RTI application. Does he mean that he wants information from the respondents on his RTI application. On this very aspect, he replied **in negative**. Furthermore, it is seen that complainant vide his RTI application dated **31.03.2015** has raised the following questions, which reads as under:
- a. A clear photocopy of the Hon. Court's order dated 08.04.2008 in the said matter (as this daily order is not available on the official website of the Hon Court, I am seeing a copy of the same from your public authority).
 - b. The exact URL of the GSE guidelines for granting approval that were required to be published on your website as per the directions of the Hon. Court in this orders dated 08.04.2008 and 12/08/2008
 - c. The exact URL of the data that has been published on your website pursuant to the Hon Court's directions in its orders dated 08.04.2008 and 121.08.2008

- d. The designation and contact details of the officer(s) of your public authority who is tasked with the responsibility of ensuring compliance with the said orders of the Hon. Court
 - e. The detail of any supervisory mechanism that has been established to supervise action taken to copy with the directions of the Hon. Court in the said matter, along with the designation and the contact details of the responsible officer(s) and
 - f. A clear photocopy of the action taken till date, by the officer described at para 5 above, for ensuring compliance with the said orders of the Hon. Court.
5. However, respondents vide their response dated **08.04.2015**, replied to the complainant as under :
- “In this regard it is stated that the information sought is not pertain to this department. The detail is insufficient. Hence the application in original along with IPO No. 21F237843 dated 14.03.2015 amounting Rs. 10/- returned herewith”
6. On careful perusal of the nature of issues, it is revealed to the Commission that the issues raised in the RTI application are not very much clear and need to be clarified further. Also having gone through the contents of respondent's reply dated 08.04.2015, the Commission feels that this **reply may be construed the proper reply in terms of Section 2(f) of the RTI Act 2005.**
7. It is further seen here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
8. It is further stated here that, as per **Section 18 (2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of the Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005.**
9. The Commission heard the submissions made by complainant as well as respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **31.03.2015**, respondent's response dated **08.04.2015**, and also the contents of complaint.
10. In view of the **position** above and in the **circumstances** of the case, the Commission feels, **not satisfied**, under section 18(2) of the RTI Act 2005, that there are **reasonable grounds** for getting the matter inquired simply because the complaint, under reference,

miserably failed to qualify the criteria as mentioned under **Section 18(1) of the RTI Act 2005**. As such, the Commission is of the considered view that complainant's complaint devoids of merit and deserves to be **dismissed** forthwith. Therefore, it is hereby **dismissed**.

The Complaint is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

Dept. of Biotechnology,

M/o. Science & Technology,

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