

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/VS/A/2015/000596

Appellant: Ayush Arora
H.No. 1208, Hemkunt House
6, Rajendra Place, New Delhi-110008

Respondent: Central Public Information Officer-101
Director (T&C) RTI Cell, M/o Rly,
Rly Board, New Delhi.

Date of Hearing: 21.12.2016

Dated of Decision: 21.12.2016

ORDER

Facts:

1. The appellant filed RTI application dated 13.11.2014 seeking information on 5 points regarding all orders, notices, circulars etc by which Indian Railway and /or any Zonal Railways has banned the sale of bottled drinking water of private companies on railway property like stations platforms etc
2. The CPIO responded on 30.12.2014. The appellant filed first appeal on 09.01.2015 with the First Appellate Authority (FAA). The FAA responded on 30.01.2015. The appellant filed appeal on 13.03.2015 before the Commission with the plea that the sought for information has not been provided to him.

Hearing:

3. The appellant (through representative) and the respondent both participated in the hearing.
4. The appellant stated that the sought for information has not been provided to him. The appellant stated that he wanted to know the order by

which Indian Railways has banned the sale of bottled drinking water of private companies on railway property and whether any laboratory testing was conducted to determine the drinking quality of private companies bottles of water prior to such ban and testing report was submitted to concerned food safety standard authority. The appellant stated that point no. 2, 3 and 4 has not been responded at all. The appellant stated that he could not locate any information on the website and no search key exists to search the circulars from the website of the railway on this subject.

5. The appellant stated that he was informed that procurement/short listing of packaged drinking water is done by zonal railways and he was advised to make separate applications to concerned CPIOs of railway zones. The appellant stated that his application has not been transferred u/s 6(3) of the RTI Act.

6. The respondent stated that there are 16 zones and the sought for information may be available with them. RTI Act, however, permits transfer to only one public authority. Hence, no transfer was done by the Railway Board. The Railway Board is a policy making authority and it does not conduct any testing of food safety quality. The policy on food safety has been provided to the appellant.

7. The appellant stated that he has not received any policy from the respondent. The appellant stated that now he does not want to get his application transferred to zonal railways on points 2, 3 and 4. The appellant stated that he should be awarded compensation and respondent be penalised as they have not provided information within the prescribed time limit as per the RTI Act. The appellant stated that at this juncture he would be satisfied if the respondent be directed to provide attested copies of 3 circulars on the subject matter.

Discussion/ observation:

8. The RTI Act requires transfer to multiple public authorities. The application should have been transferred to zonal railways within 5 days of receipt of the application as per the RTI Act, if part of the information were not related to the Railway Board. It is also observed that there was no malafide in not providing the information to the appellant.

Decision:

9. Respondent is directed to provide the appellant, attested copy of all three circulars on the subject matter and also given a formal reply that no testing was done by the Railway Board with regard to testing of packaged water bottles of private companies, within 15 days of this order

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar