

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001123

Appellant : Shri Nitin Kumar
S/o. Shri Sant Kumar
572, Taga Sarai, Hapur-245101
Uttar Pradesh

Public Authority : The Dy. Director & CPIO
M/o Youth Affairs and Sports.
Nehru Yuva Kendra Sangathan 2nd Floor, Core-IV,
Scope MinarLaxmi Nagar District Centre,
Vikas Marg, Delhi-110092

Date of Hearing : 05.09.2016
Date of Decision : 05.09.2016

Presence:

Appellant : Shri Nitin Kumar
CPIO : Absent

FACTS:

- I. Vide RTI application dated **19.01.2016**, the appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **02.03.2016**, has provided part information and denied to provided the information u/s 2 (f).
- III. The First Appeal (FA) was filed on **17.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **01.06.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant appeared before the Commission personally and made the submissions at length. **Respondent opted to be absent despite of our due notice to them.**

DECISION

It would be seen here that the appellant, vide his RTI Application dated **19.01.2016** sought information from the respondents on **3 issues**. Respondents, vide their response dated **02.03.2016**, allegedly provided the part information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **17.03.2016** before the FAA,

who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.

2. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **19.01.2016** and respondent's response dated **02.03.2016**, it is revealed to the Commission that the respondents have provided the required information against **issue no. 1**. However, respondents have **denied** the required information to the appellant by stating that issues no. 2 & 3, raised by the appellant in his RTI application vague, as such, these issues do not fall within the four corners of **Section 2 (f) of the RTI Act 2005**.
3. However on careful perusal of the nature of issues as raised by the appellant in his RTI application dated **19.01.2016**, the Commission feels that the issues are not vague in nature and these issues do fall within the four corners of **Section 2 (f) of the RTI Act 2005**. As such, CPIO's response dated **02.03.2016**, deserves to be **quashed and set aside**. Therefore, it is hereby quashed and set aside being **not legally tenable**.
4. The Commissioner heard the submissions made by appellant at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **19.01.2016**, respondent's response dated **02.03.2016**, other material made available on record and also the grounds of memorandum of second appeal.
5. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than seven months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be **allowed partly** i.e. against **issues no. 2 & 3**. Therefore, it is **allowed accordingly**.
6. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, against **issues no. 2 & 3**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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