

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001178

Appellant : Shri Jai Bhagwan Jatav  
President,  
Rashtriya Shoshit Parishad (Regd.)  
B-2, Extn/2, Street No. 7, Krishna Nagar  
Safdarjung Enclave, New Delhi-110029

Public Authority : The US & CPIO  
M/o. Social Justice & Empowerment  
ShastriBhawan, New Delhi-110001

Date of Hearing : 06.10.2016

Date of Decision : 06.10.2016

## Presence:

Appellant : Shri Jai Bhagwan Jatav  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **18.01.2016**, the Appellant sought information on **9 issues**.
- II. CPIO, vide its response dated **24.02.2016 & 05.05.2016**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **22.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **04.05.2016**, directed CPIO to provide the information to the Appellant.
- V. Grounds for the Second Appeal filed on **20.06.2016**, 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 **18.01.2016**, sought information from the respondents in the capacity of "*President of Rashtriya Shoshit Parishad (Regd.), New Delhi*". Thus, it is to be seen here that appellant is seeking the information from the respondents as a President but not as an individual Indian.

2. Further, the Commission feels that it would be better and even justified to quote the relevant section of the RTI Act 2005, which deals with the issue, under reference i.e. **Section 3 of the RTI Act 2005**, which envisages as under:

*“Subject to the provisions of this Act, **all citizens** shall have the right to information.”*

3. In view of the above, it is abundantly clear that only Indian Citizens and in individual capacity are legally entitled to submit an application for getting the required information under the provisions of RTI Act 2005 and **non-others**. Thus, the President of Rashtriya Shoshit Parishad (Regd.) (may be of even foreigner) **dehors Section 3 read with Section 2(f) of the RTI Act 2005**.
4. The Commissioner heard the submissions made by Shri Jai Bhagwan Jatav, Appellant, at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in her RTI application dated **18.01.2016**, respondent's responses dated **24.02.2016 & 05.05.2016**, FAA's orders dated **04.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
5. In view of the position above and in the **circumstances** of the case, the Commission is of the considered view that it would be appropriate even justified to dismiss the appellant's captioned Second Appeal, which is barred by **Section 3 of the RTI Act 2005 being not legally tenable**. Therefore, it is hereby **dismissed** accordingly.

The Appeal is dismissed accordingly.

(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

The US & CPIO  
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