

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/2016/001217**

Appellant : Shri Hans Raj Chugh
General Secretary
State Bank Nagar Resident Welfare Association
203A, State Bank Nagar, PaschimVihar, New Delhi-110063

Public Authority : The Asstt. Director (CE) & PIO
DDA, Commercial Estate Branch, A-Block,
2nd Floor, VikasSadon, INA, New Delhi-110023
The Ex. Engineer & PIO
DDA, DDA Office Complex, WD-7, Double Water Tank, PaschimVihar,
New Delhi-110075

Date of Hearing : 04.10.2016
Date of Decision : 04.10.2016

Presence:

Appellant : Shri Deepak Singh
PIO : Shri Prakash Chand, Asst. Director & PIO

FACTS:

- I. Vide RTI application dated **01/08.03.2016**, the Appellant sought information on **5 issues**.
- II. PIO, vide its response dated **29.03.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **05.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **25.05.2016**, allowed to visit in the office for the grievances.
- V. Grounds for the Second Appeal filed on **04.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Shri Deepak Singh, on behalf of Appellant, as well as Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **08.03.2016**, sought information from the respondents in the capacity of “*General Secretary of State Bank Nagar Resident Welfare Association*”. Thus, it is to be seen here that appellant is seeking the information from the respondents as a General Secretary 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 *General Secretary of State Bank Nagar Resident Welfare Association* (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 Deepak Singh on behalf of appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in her RTI application dated **08.03.2016**, respondent's responses dated **29.03.2016**, FAA's orders dated **25.05.2016**, 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.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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Shri Hans Raj Chugh
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