

# 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/2016/001228

Appellant : Shri Ramavtar Singh  
Gali No. 2 Vaidik, Mahendra Nagar  
Dist- Aligarh, UP- 202001

Public Authority : The CPIO  
M/o Social Justice and Empowerment  
Dept. of Social Justice & Empowerment  
Shastri Bhawan, New Delhi- 110001

Date of Hearing : 05.10.2016  
Date of Decision : 05.10.2016

## Presence:

Appellant : Absent  
CPIO : Shri Hari Om, Under Secretary & CPIO

## FACTS:

- I. Vide RTI application dated **18.03.2016**, Appellant sought information on **2** issues.
- II. CPIO, vide its response dated **07.04.2016**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **18.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **17.05.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **13.07.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

**Appellant opted to be absent despite of our due notice to him.** 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 **18.03.2016**, sought information from the respondents on **2 issues**. Respondents, vide their response dated **07.04.2016**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **18.04.2016** before

the FAA, who vide his order dated **17.05.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **07.04.2016**, **denied** the required information to the appellant by stating that the information is already available in Public Domain. Further, the Commissioner raised a query to Shri Hari Om, Under Secretary & CPIO, who appeared on behalf of respondents, to open the Department's portal with the help of the Computer provided by the Commissioner's staff office and take out a print of the required information as sought by the appellant vide his RTI application dated **18.03.2016** to substantiate the CPIO's views that the required information is in Public Domain. On this very aspect, Shri Hari Om, Under Secretary & CPIO, **submits his inability** in this regard. As such, it is legally inferred that the **respondents has wrongly taken the plea of Public Domain** while responding the appellant's RTI application dated **18.03.2016**.
3. Furthermore, during hearing of the appeal, Shri Hari Om, Under Secretary & CPIO, has submitted his written submissions dated 05.10.2016 along with enclosures. However, on careful perusal of the same, it is revealed to the Commission that these enclosures are not on the issues as raised by the appellant in his RTI application dated 18.03.2016. Thus, these are **irrelevant** in the matter and it is even admitted by Shri Hari Om, during hearing of the Second Appeal.
4. Further, learned FAA, vide his order dated **17.05.2016**, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether the complete and categorical information has ever been provided to the appellant **on all issues or not**. As such, CPIO's response dated **07.04.2016** and Learned FAA's order dated **17.05.2016**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**.
5. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **18.03.2016**, respondent's response dated **07.04.2016**, FAA's order dated **17.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
6. 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 six months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. It is also admitted fact that, **as on date**, respondents failed to provide the required information to the appellant. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.

7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, 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

The CPIO

M/o Social Justice and Empowerment

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