

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/CC/A/2015/002822/SB

Dated 12.08.2016

Appellant : Smt. Anita Chhabra,
H.No.19, Type-3, Sector-1,
Sadiq Nagar, New Delhi-110 049.

Respondent : The Central Public Information Officer,
Rajya Sabha Secretariat,
Parliament House,
New Delhi-110 001.

Date of Hearing : 12.08.2016

Relevant dates emerging from the appeal:

RTI application filed on : 01.09.2014

CPIO's reply : 08.10.2014

First appeal filed on : 09.12.2014

FAA's order : 15.01.2015

Second appeal filed on : 27.04.2015

ORDER

1. Smt. Anita Chhabra filed an application dated 01.09.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Rajya Sabha Secretariat (RSS) seeking information on seven points regarding her two petitions dated 31.10.2011 and 19.12.2011 pertaining to complaints/appeals under the RTI Act against Shri Deepak Goyal, Joint Secretary & First Appellate Authority, RSS.

2. The appellant filed a second appeal before the Commission on 27.04.2015 on the grounds that she has been provided information only on point no. 4 of the RTI application and that too is incorrect and misleading.

Hearing:

3. The appellant Smt. Anita Chhabra and the respondent Shri Arun Sharma, CPIO and Director, RSS and Shri Sanjeev Chandra, ACPIO and Joint Director, RSS were present in person.

4. The appellant submitted that correct and complete information has not been provided to her in response to her RTI application dated 01.09.2014. The appellant also submitted her written submissions to the Commission, wherein the appellant has submitted that she had sought information on seven points including (1) certified copies of all the Parliamentary and Constitutional provisions/Rules/Extant modalities/Remarks/Communication wherein one is empowered to embark on a final decision on one's own and in an arbitrary manner without seeking advice of the Hon'ble Chairman, Privilege Committee, (2) Rules under which Information Commissioner have exercised their discretion to leave the final decision taken by the Hon'ble Chairman Rajya Sabha rather than passing final orders as well as input of such cases wherein the decision on whether to hold back or release information has been completely left on the respondent of the Secretariat and (3) how many matters are pending wherein such irregularities have been evinced by the officers of RSS in examining parliamentary matters/cases and in which the Secretariat has issued orders without seeking advice of the Parliamentary Committees and certified copies of the notings/comments/correspondences of the orders relating to such cases. The appellant also requested that the set of information and relief sought by her be placed on the website of CIC and that appropriate steps should be taken to upload her applications/First and Second Appeals/Correspondence on the website of the RSS. However, the

respondent had provided information only on point no. 4 of her RTI application that too is incorrect and misleading.

5. The respondent submitted that point nos. 1 and 5 of the RTI application relates to the power of the Hon'ble Chairman of the Rajya Sabha and the appellant had been informed, in a related matter, that matters in Rajya Sabha are processed in accordance with the Rules of Procedure and Conduct of Business in Councils of States, which have been framed in terms of Article 118 of the Constitution of India. The appellant was also informed that in view of Article 118 and 122 of the Constitution, the decision making process under the Rules of Procedure and Conduct of Business in the Councils of States falls exclusively under the jurisdiction of Hon'ble Chairman of Rajya Sabha and is not questionable outside the Parliament. The respondent also submitted that no information on point no. 2 of the RTI application is held by them. Moreover, the matter relates to CIC. The respondent further submitted that the appellant was informed that the information sought on other points of the RTI application is in the nature of raising queries or asking questions which does not constitute information as defined under Section 2(f) of the RTI Act. Thus, the information which could have been provided, has been furnished to the appellant vide letter dated 08.10.2014. The respondent also submitted that the CPIO is not supposed to create information or to interpret information or to solve problems raised by the appellant; or to furnish replied to situational queries; or to furnish clarification. The respondent further stated that under the RTI Act the PIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by her. The FAA vide letter dated 15.01.2015 had also informed the appellant that on the basis of information/comments received from different Divisions concerned, he upheld the action of the CPIO.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that information only on point no. 4 of the RTI application has been provided to the appellant but no specific comments have been provided on point no. 1, 2 and 5 of the RTI application. The Commission agrees with the respondent that the information sought on other points of the RTI application is in the nature of raising queries or asking questions which does not constitute information as defined under Section 2(f) of the RTI Act. The Commission, also agrees with the respondent that under the RTI Act the PIO provides information available with him or held by him and that the appellant cannot expect the respondent to take certain action or initiate action as desired by the appellant. Also, the RTI Act is not the proper law for redressal of grievances and there are other appropriate forum(s) for resolving such matters. In view of the above, the Commission directs the respondent to (i) provide information on point no. 1 and 5 of the RTI application and (ii) transfer the RTI application with respect to point no. 2 to the CIC within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.

8. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer