

**Central Information Commission, New Delhi**  
**File No. CIC/SH/C/2016/000035**  
**Right to Information Act-2005-Under Section (18)**

**Date of hearing** : 17th October 2016

**Date of decision** : 17th October 2016

**Name of the Complainant** : Ms. Dimpal Kaushik,  
C/o 6G, Bigjos Tower,  
Netaji Subash Palce,  
Pitampura, Delhi 110034

**Name of the Public Authority/Respondent** :1. Central Public Information Officer,  
ICAR-Project Directorate on Foot and Mouth  
Disease  
IVRI Campus, Mukhteshwar, Nainital,  
Uttarakhand- 263138

2. Dr. B. S. Prakash, ADG (ANP),  
Animal Science Division,  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi

**RTI Application filed on** : 25/08/2015

**CPIO replied on** : 28/09/2015

**First Appeal filed on** : —

**First Appellate Authority order on** : —

**Complaint received on** : 21/12/2015

The Complainant was represented by Dr. Hemant Sahni, who was present in person.

On behalf of the Respondents, Dr. B. B. Das, CPIO was present at the NIC Studio, Nainital.

**Information Commissioner** : **Shri Sharat Sabharwal**

### **Information sought**

This matter concerns an RTI application filed by the Complainant, seeking information on eight points regarding Foot and Mouth Disease FMD 3AB3 DIVA statement of cost sheet for the year 2012-13 and related issues.

### **The CPIO reply**

The CPIO, ICAR forwarded the RTI application on 28.8.2015 to the Project Director, Project Directorate on Foot and Mouth Disease. The CPIO of the above Directorate, vide letter dated 28.9.2015, gave a reply to the Complainant.

### **Grounds of complaint to the Commission**

Not satisfied with the information provided by the CPIO.

### **Relevant facts emerging during the Hearing, Discussion and Decision**

The representative of the Complainant stated that the Project Directorate on Foot and Mouth Disease distributes a certain technology to the public, free of charge, through its twenty regional centres. The technology is produced at a certain cost by the above Directorate, while it can be produced at a cheaper rate by others. The information was sought in the above context. The application was filed to the ICAR, who transferred it on 28.8.2015 to the Project Directorate on Foot and Mouth Disease. A reply was received from Dr. B. B. Das, CPIO of the above Directorate. However, information in most of the cases was denied by stating that “it is an institute matter”. In response to our query, Dr. B. B. Das was unable to explain as to what he meant by “institute matter”. He stated that he had also sent some information on 20.9.2015 to

Dr. B. S. Prakash, ADG (ANP) of ICAR. The representative of the Complainant wanted direction to the Respondents to provide the information and suitable action against the officers concerned for not providing the information so far.

2. We have considered the submissions of both the parties and note the following observations made by the High Court of Delhi in judgment dated 28.10.2013 in J. K. Mittal vs. CIC & Anr. [W.P.(C) No. 6755/2012]:-

*“5. In view of the above referred authoritative pronouncement of the Apex Court, there can be no dispute that while considering a complaint made under [Section 18](#) of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a Second Appeal in terms of Sub-section (3) of [Section 19](#) is preferred before the Commissioner.”*

Since the matter before us is a complaint registered under Section 18 of the RTI Act, we are not in a position to give a directive for provision of information sought by the Complainant. The only issue for consideration is whether there is a case for action against the CPIO under Section 20 of the RTI Act. From the facts of the case placed before us, we note that the RTI application was responded to by Dr. B. B. Das, CPIO of the Project Directorate on Foot and Mouth Disease on 28.9.2015. However, most of his replies bore no relevance to the queries of the RTI application and he failed to provide any information. He also did not deny any information, citing a specific section of the RTI Act. Dr. B. B. Das submitted that he sent some information to Shri B. S. Prakash, ADG (ANP) of ICAR, thereby implying that some information could have been provided by the above officer.

3. In view of the foregoing, this matter is adjourned to be heard again on 22<sup>nd</sup> November 2016 at 10.00 a.m. Shri B. S. Prakash, ADG( ANP), ICAR and DR. B. B. Das, CPIO, Project Directorate on Foot and Mouth Disease are directed to be present at the next hearing to show cause why they should not be penalised under Section 20 (1) of the RTI Act for their failure to provide the information sought by the Complainant, without any reasonable cause. The venue for appearance of the Complainant and the Respondents will be as follows:-

**For the Complainant and Dr. B. S, Prakash, ADG (ANP), ICAR**

Room No. 305, 2<sup>nd</sup> Floor,  
August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi - 110066

**For Dr. B. B. Das, CPIO, Project Directorate on Foot and Mouth Disease**

NIC, District Commuter Centre,  
Collectorate, Talital,  
Nainital (Uttarakhand)

Contact Officer-Mr. RajivJoshi and Mr. Bhaskar Kulyal and Contact Nos.: 05642-236261

4. Copies of this order be given free of cost to the parties.

Sd/-  
(Sharat Sabharwal)  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)  
Deputy Registrar