

CENTRAL INFORMATION COMMISSION

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

File No. CIC/LS/A/2012/000889/KY

Appellant : Shri Devender Pratap Singh
House No. 14, Flat No. S-4, 2nd Floor,
Hikmat Tower, Amirganj, Idgah Hills
Bhopal-462001

Public Authority : The CPIO
CSIR-Advanced Material & Processes Research Institute,
Hoshangabad Road Near Habibganj Naka, Bhopal-462064

Date of Hearing : 19.09.2016
Date of Decision : 19.09.2016

Presence:

Appellant : Absent
CPIO : Dr. J P Barnwal, Chief Scientist & FAA and
Dr. S K S Rathore, Sr. Principal Scientist & PIO

FACTS:

- I. Vide RTI application dated **05.09.2011**, the appellant sought information on **10 issues**.
- II. CPIO, vide its response dated **11.10.2011**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **04.10.2011**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **11.10.2011**, allowed to take photocopy of information.
- V. Grounds for the Second Appeal filed on **04.01.2012**, 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 **05.09.2011**, sought information from the respondents on **10 issues**. Respondents, vide their response dated **11.10.2011**, allegedly not provided the required information to the appellant. However, requested the appellant to have the inspection of the relevant records

and pin point the required documents of which the photocopies are needed. Being aggrieved by the aforesaid responses, FA was filed by the appellant on **04.10.2011** before the FAA, who vide his order dated **11.10.2011**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **05.09.2011** and respondent's response dated **11.10.2011**, it is revealed to the Commission that the respondents have provided the **vague & incorrect** information, which is **quite irrelevant** to the appellant.
3. It is worth to mention here that as per **section 2(j)(i) of the RTI Act 2005**, the right of inspection of relevant record vested with the appellant and not with the respondents. As such, if the respondents have been insisting of any applicant to have the inspection of the relevant record that is **not legally tenable**. However, it is having a legal force in **vice-versa situation**.
4. Further, in the present case, appellant has not requested the respondents for allowing him the inspection of the records. As such, respondent's response dated **11.10.2011**, deserves to be quashed and set aside being legally untenable in the eyes of law. Thus, the respondents are under legal obligation to provide the required information to the appellant on his RTI application dated **05.09.2011**.
5. Furthermore, learned FAA, vide his order dated **17.02.2011**, 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 **11.10.2011** and Learned FAA's order dated **17.02.2011**, also deserves to be **quashed and set aside**. Therefore, CPIO's response dated **11.10.2011** and Learned FAA's order dated **17.02.2011** are hereby quashed and set aside being **not legally tenable**.
6. 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 **05.09.2011**, respondent's response dated **11.10.2011**, FAA's order dated **17.02.2011**, other material made available on record and also the grounds of memorandum of second appeal.
7. 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 five years period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.

8. 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

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