

CENTRAL INFORMATION COMMISSION
Complaint No. CIC/WB/C/2007/00707 dated 3-10-2007
Right to Information Act 2005 – Section 19

Complainant: Shri Anil Sood

Respondent: Central Information Commission (CIC)

FACTS

By an application of 7-8-07 Shri Anil Sood of Pitampura, Delhi applied to the CPIO, CIC seeking the following information:

- “1. In how many days Complaints, Appeals and orders are put on the CIC website? Why my complaint dated 16.7.2007 and two appeals dated 3.7.2007 are not updated on website delivered personally?
2. In how many days complaint for non compliance of orders of Information Commissioner is taken up?
3. In case No. CIC/At/2007/00481, why the orders are not on website? Whereas the order dated 4th July, 2007 are received by me. I want to inspect the above mentioned file. Kindly provide the certified copies.
4. Can PPS refuse to show the file to the complainant? What action can be taken against him for not allowing the inspection of file to the Complainant?”

To this he received a response from Shri G.Subramanian, Asstt. Registrar & CPIO dated 18-8-07 as follows:-

- “1. Once the Complaints or appeals are received in the Commission, they marked to the concerned Commissioners, where they are scrutinized for registry or otherwise. No information is available about the time taken for putting the same on website.
2. No data is available.
3. Efforts are made to put all the orders on website. However, it is not mandatory one. As per the provisions of the RTI Act, 2005, the copies of the orders of the Commission are forwarded to the concerned parties. You can inspect the file on any working day with prior intimation to the undersigned. You inspect the document and indicate the copies you require the same will be given to you on payment after certifying the same.

4. PPS is not the competent person to allow inspection of file. So the question of action does not arise.
5. Information Commissioners or Chief Information Commissioner may treat email message as complaint if the information sought concerns the life or liberty of a person.
6. Information is not covered under section 2 (f) of the RTI Act, 2005.”

Not satisfied Shri Anil Sood moved his first appeal before Shri L.C. Singh, 1st Appellate Authority, on 25-8-07 in which his objections to the information received regarding the following points were as below:

Query No. 1 “The CPIO fails to mention the normal time period in which appeals or complaints are put on the website. He didn’t replied about orders of Information Commissioner. CPIO means to say that it may take one, two, five or more years to put appeal/ complaint on website.

Query No. 2 The given information is misleading.

Query No. 5 The reply is vague in nature.

Query No. 6 The reply by CPIO that information is not covered under section 2 (f) of the RTI Act, 2005 is misleading.”

Regarding the information supplied in response to query Nos.3 and 4 Shri Sood’s objection was to the manner of disposal by the Central Information Commission and not to the information provided.

The appeal was heard on 19-1-2009. The following are present.

Appellant

Shri Anil Sood.

Respondents

Shri L. C. Singhi, Registrar.

Shri G. Subramanian, Under Secretary.

Shri D. C. Singh, Under Secretary.

Shri L.C. Singhi, at present Registrar in this Commission submitted that he had in fact heard the first appeal on 17-12-2007. However, since the matter had been discussed in detail, no written orders have been issued.

Such written orders have subsequently been issued in the order of 1st Appellate Authority in which following is the decision:

- “5. At the time of hearing, it was explained to the appellant that he is entitled to get an information which is available on records. The CPIO cannot answer to hypothetical situations and about something which is not a part of the record. The definition of the word ‘information’ as defined under Section 2(f) of the Right to Information Act, 2005 was also explained to the appellant. It was also made clear that the reply submitted by the CPIO is not evasive and he has virtually provided whatever information was available on records. The CPIO has already requested him to inspect the documents and indicate the documents for which he requires copies. There was, therefore, no denial of information on the part of the CPIO.
6. The appellant was informed that the appeal petition has no merit and the same stands dismissed. It was also explained that if he so desires he may submit his Second Appeal before the Central Information Commission.”

DECISION NOTICE

From the above it is clear that, in fact, the first appeal of appellant Shri Anil Sood has been heard and disposed of. We have no appeal against the order of 1st Appellate Authority since the second appeal before us was only on the ground of failure of the 1st Appellate Authority to respond to Shri Anil Sood’s appeal.

In light of this there are no further grounds for our intervention in this case and the **appeal is, therefore, dismissed.**

However, this application raises various questions which are of importance regarding functioning of the Commission and the time frames for various actions like uploading the decisions, announcement of the decisions after the hearing, compliance etc. These observations/suggestions are of concern to the full Commission and may, therefore, be presented at the next weekly meeting of the Full Commission. If appellant wishes to attend such a meeting he is welcome to do so to present his suggestions.

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
19-1-2009

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.

(Pankaj K.P. Shreyaskar)
Joint Registrar
19-1-2009