

Central Information Commission  
2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066.

CIC/AA/A/2017/301  
CICOM/A/2017/00293  
CICOM/R/2017/01202

Name of the appellant : Shri Omprakash Kashiram,  
Amol Apartment,  
3/16, Walohuni,  
Kalyan - 421 301.

1.	Date of RTI application	18.09.2017
2.	Date of reply of the RTI application	03.10.17, 04.10.17 & 05.10.17
3.	CPIO(s) who furnished reply	DR to CR-1 cum CPIO
4.	1 <sup>st</sup> Appeal Date	09.10.2017
5.	Diary No. of 1 <sup>st</sup> Appeal of the Dak Section	172657
6.	Diary date of the Dak Section	18.10.2017
7.	Date of receipt of 1 <sup>st</sup> Appeal in the office of FAA	20.10.2017
8.	Date of Decision	25.10.2017

**Brief facts of the case:-**

In the RTI application, appellant has sought following information:-

1. Please provide the relevant documents regarding pending cases against BJP bench wise for not the public authority or public authority, duly attested by PIO with name and designation.
2. Please provide the documents that the BJP is not public authority under the RTI Act 2005 as mentioned in CIC, New Delhi refusal letter No.159655/2017 dated 01.09.2017, duly attested by PIO with name and designation.
3. Name of Registrar, CIC, New who had been issued refusal letter No.159655/2017 dated 01.09.2017 may please be provided duly attested by PIO with name and designation.
4. Please provide the documents regarding rules I am violating, when I will mention the name of register as donkey, when a registrars, CIC, New Delhi have not mentioned their name in refusal letter of 2<sup>nd</sup> appeal which is very sensitive in public interest and favour of India.
5. Total numbers of cases are pending in CIC, New Delhi against BJP may please be intimated as per records duly attested by PIO with name and designation.
6. Please provide the documents for not keeping 2<sup>nd</sup> appeal as pending with other pending cases against BJP and 2<sup>nd</sup> appeal has been refusal vide letter No.159655/2017 dated 01.09.2017."

- o/c
2. Shri Krishan Avtar Talwar, DR to CR-1 cum CPIO vide letter dated 03.10.2017 has supplied the information as under:-

"Point 1 Assistance is hereby sought u/s 5(4) from the Registrar, who is the custodian of all larger bench cases in the Commission.

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P.T.O.

**Point 2** Please refer to Rule 2(h) of RTI Act, 2005 (available in public domain). Six Major political parties alleging that they do not fulfil the criteria mentioned therein as such refused to honor RTI applications, challenged the decision of the Commission & the matter is presently pending before the larger bench to decide whether said political parties (including BJP) can be termed as public authority in accordance with said Rule 2(h) of the Act.

**Point 3** Name of the Registrar is on the web-site of the Commission (you may refer to "Contact us" on the home page of web-site [www.cic.gov.in](http://www.cic.gov.in) in the Commission). However, it is clarified that the Facilitation Memo (Dy.No.159655/2017 dated 01.09.2017) was issued by undersigned. Since work of Central Registry can be assigned to any officer as such the format of Facilitation Memo is to be designed that it is issued on the basis of "designation" of the Deputy Secretary of CR by the Computerised system of the Commission. Accordingly he signs it.

**Point 4** Dehors section 2(f) of RTI Act, 2005.

**Point 5** Transferred to Shri S.C. Sharma, DO to Hon'ble CCIC as cases against BJP, if any would have been registered under Parliament of Indian which is under the Jurisdiction of Hon'ble CCIC. You may if required contact him in Room No.340, 2<sup>nd</sup> Floor August Kranti Bhawan, Bhikaji Cama Place, New Delhi. His telephone no. is 011-26186535

**Point 6** There is no such document on record. However it is stated that in the cases pending before larger bench, the legal issue to be decided is much distinct from the one raised by you in your said Second Appeal (returned vide FM dated 01.09.2017, as mentioned above). The former relates to deciding whether BJP is a public authority u/s 2(h) of the Act or not whereas latter relates to seeking information from it which is possible under RTI Act, 2005 only it is decided by the Larger bench that it is a public authority."

3. Shri Talwar vide letter dated 04.10.2017 has stated that:-

"In continuation to reply of even no. dated 03.10.2017 given by undersigned CPIO with reference to your RTI application dated 18.09.2017 which was registered vide no.CICOM/R/2017/01202, I am to enclose in original the reply dated 04.10.2017, which is self explanatory, as received from the Registrar, CIC on point no.1 of your application.

It is further added to point no.6, as already replied that since BJP, as on date is not a public authority as such, RTI Act, 2005 and rules framed there under are not applicable to it. In these circumstances it is not possible to register or keep your case returned vide FM (Dy.No.159655/2017 dated 01.09.2017) under said Act, it pending in anticipation of declaring BJP as public authority in case pending adjudication before larger bench."

4. Since the CPIO has not enclosed the reply dated 04.10.2017 of the Registrar in the above said letter, he sent the same to the appellant vide his letter dated 05.10.2017 and also regretted for the inconvenience. In the reply dated 04.10.2017, Shri Piyush Agarwal, Registrar has given a list of 11 cases, which are pending against BJP.

5. Shri S.C. Sharma, DO to Chief IC(RK) vide letter dated 09.10.2017 has furnished information on Point-5 of the RTI application that "No appeal/complaint against BJP is pending in this Registry".

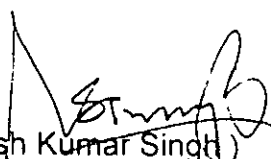
**Decision with reasons:-**

6. On perusal of the RTI application, reply of the CPIOs and appeal, it is observed that point-wise factual information has been furnished by the CPIOs, therefore, no intervention is required on the part of the FAA.

7. The appeal is, therefore, disposed off.

8. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 25<sup>th</sup> October, 2017.

  
( Rakesh Kumar Singh )  
Additional Secretary & First Appellate Authority  
Tel: 26162290

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.

✓  
A.M.  
26/10/17