

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/34
CICOM/A/2018/00034
CICOM/R/2018/00002

Name of the appellant : Shri Hemant Padmakar Kanade,
201, Shivam, Mistry Complex,
J.B. Nagar, Andheri (E),
Mumbai - 400 059.

1.	Date of RTI application	22.12.2017
2.	Date of reply of the RTI application	02.01.2018
3.	CPIO(s) who furnished reply	CPIO, RTI Cell
4.	1 st Appeal Date	22.01.2018
5.	Diary No. of 1 st Appeal of the Dak Section	106028
6.	Diary date of the Dak Section	29.01.2018
7.	Diary date of 1 st Appeal in the office of FAA	30.01.2018
8.	Date of Decision	07.02.2018

Brief facts of the case:-

In the RTI application, the appellant has stated that the entire RTI Act, 2005 does not provide for clear-cut provisions on the followings:-

"1. Sub-Section (7) of Section 19 of the RTI Act, 2005 provides that the decision of the Central Information Commission shall be binding.

a. In that case, if the CPIO fails to comply with the decision/directions of the Hon'ble Information Commissioner, then please provide me the complete Contempt procedure including the format and fees etc, for further course of action which the Applicant should adopt for the failure to comply with the decisions/directions of the Hon'ble Information Commissioner given to the CPIO.

2. The personal hearings before the Hon'ble Information Commissioner are arranged and take place online in conference call, where the Hon'ble Information Commissioner hears both sides i.e. Applicants/Complainants and the Respondents/CPIOs.

a. Please provide the complete procedure including fees etc, for getting the copy of the record of proceedings of the personal hearing so recorded on the electronic media.

3. Please provide the specific provisions under the RTI Act, 2005, empowering the Hon'ble Information Commissioner to pass a decision/order under the RTI Act, 2005, in flagrant violation of Basic Principles of Natural Justice.

4. Please provide the specific provisions under the RTI Act, 2005 empowering the Hon'ble Central Information Commission to treat/convert a "Contempt Application/ Complaint" into a "Second Stage Appeal".

5. Please provide the specific provisions of the RTI Act, 2005 empowering the Hon'ble Information Commissioner not to grant a short adjournment for the personal hearing in spite of a specific request by the Appellant/Complainant for a short adjournment on account of the genuine unavoidable reasons given with facts and evidences.

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6. Please provide the specific provisions of the RTI Act, 2005 which empowers Hon'ble Central Information Commission to reduce the number of matters/cases from three to two without assigning reasons, on its own."

2. Shri Ashok Kumar Sharma, CPIO, RTI Cell vide letter dated 02.01.2018 has responded as under:-

"1 In case CPIO fails to comply with the decision/direction of the Hon'ble Information Commissioner, then the applicant can file the Non Compliance in the Commission. No fee is required in that case. Application format for filing non compliance is enclosed.

2 There is no provision of recording in the electronic media (i.e. video recording/audio recording) of the proceedings of the hearing.

3 to 6 No information is available with CPIO other than RTI Act, 2005 and RTI Rules, 2012 and CPIO of the Commission cannot comment on these points."

3. In the appeal the appellant has stated that:-

"POINT NO.3 In my own case, the Inf Commr Shri Sudhir Bhargava, has passed two decisions/orders No.CIC/CANBK/A/2016/306886 and No.CIC/CANBK/A/2016/307134 both dated 23.11.2017, which happened to be based on totally incorrect grounds and mainly in flagrant violation of natural justice in as much as I was not given a hearing before taking the decisions against me, in spite of informing him and his Dy. Secretary Shri Rohilla, my genuine difficulties to attend requesting for a short adjournment. **SINCE THE INF COMMRR SHRI SUDHIR BHARGAVA MUST HAVE ACTED UNDER SPECIFIC PROVISIONS UNDER THE RTI ACT, I AM ENTITLED TO GET THE INFORMATION ON SUCH PROVISIONS OF THE RTI ACT.**

POINT NO.4 In my own case, the Contempt Application/Complaint filed by me for non-compliance of the order of the Inf. Commr. Shri Sharat Sabharwal, by CPIO, Canara Bank, was wrongly treated by the Inf Commr Shri Sudhir Bhargava, as second appeal whereas the second appeal was already heard and decided by the Inf. Commr. Shri Sharat Sabharwal on 07.06.2017. **SINCE THE INF COMMRR SHRI SUDHIR BHARGAVA MUST HAVE ACTED UNDER SPECIFIC PROVISIONS UNDER THE RTI ACT, I AM ENTITLED TO GET THE INFORMATION ON SUCH PROVISIONS OF THE RTI ACT.**

POINT NO.5 In my own case, the request for a short adjournment of the hearing was totally ignored by the Inf. Commr. Shri Bhargava. **SINCE THE INF COMMRR SHRI SUDHIR BHARGAVA MUST HAVE ACTED UNDER SPECIFIC PROVISIONS UNDER THE RTI ACT, I AM ENTITLED TO GET THE INFORMATION ON SUCH PROVISIONS OF THE RTI ACT.**

POINT NO.6 In my own case, there were 3 RTI applications, 3 first appeals and 3 second appeals. There were 3 orders passed by the Inf. Commr. Shri Sharat Sabharwal. When I filed a Contempt Application/Complaint Letter for non-compliance of the orders of the Inf. Commr., The office of the CIC converted the 3 matters into two matters without assigning any reasons. **SINCE THE OFFICE OF THE CIC WHILE CONVERTING 3 MATTERS INTO 2 MATTERS SUO MOTO, MUST HAVE ACTED UNDER SPECIFIC PROVISIONS UNDER THE RTI ACT, I AM ENTITLED TO GET THE INFORMATION ON SUCH PROVISIONS OF THE RTI ACT."**

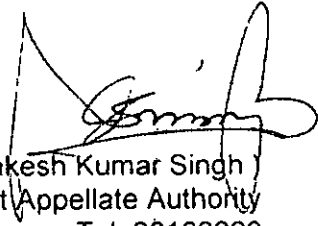
Decision with reasons:-

4. From the above, it is observed that appellant is aggrieved with the reply furnished by CPIO on points 3 to 6 of the RTI application. In the original RTI application, appellant has not quoted any references of the cases, which he has mentioned in the appeal. The first appeal is confined to the information sought in the original RTI application only. In view of this, the reply furnished by the CPIO on the information sought in the original RTI application seems to be appropriate. Moreover, the CPIO as well as FAA cannot comment on the decisions of the Commission.

5. The appeal is, therefore, disposed off.

6. 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 7th February, 2018.


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

Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.
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