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

CIC/AA/A/2018/51
CICOM/A/2018/00050
CICOM/R/2018/00124

Name of the appellant : Shri Basant Kumar Sharma,
Dwarka Puri,
Agra Road,
Etah (UP) – 207 001.

1.	Date of RTI application	17.01.2018
2.	Date of reply of the RTI application	01.02.2018
3.	CPIO(s) who furnished reply	CPIO, RTI Cell
4.	1st Appeal Date	06.02.2018
5.	Diary No. of 1st Appeal of the Dak Section	109445
6.	Diary date of the Dak Section	12.02.2018
7.	Diary date of 1st Appeal in the office of FAA	13.02.2018
8.	**Date of Decision**	**05.03.2018**

Brief facts of the case:-

With reference to letter No.CICOM/R/2017/00211 dated 01.03.2017 of Registrar, CIC in connection with procedure under Section 24(1) of the RTI Act, the appellant has sought following information:-

"1. *What steps or procedure have been adopted for approval of RTI application under extra ordinary powers conferred on CIC u/s 24 of said Act by the Parliament?*
2. *Framing of Rules/Procedures for Schedule 2 of Act u/s 24 is within CIC jurisdiction or not. If not, then please provide name/designation/Department/ Ministry of Central Govt. which is responsible for framing rules/procedure and to remove difficulties in case of inconsistency in rules and the Act.*
3. *As a Public Grievances officer, whether you had taken any steps to direct my grievances and notice u/s 80 CPC to the said concerned Ministry/ Department for redressal. If not, then please give reasons for not doing so.*
4. *Whether CIC is autonomous body or adjunct to Central Ministry under RTI Act.*
5. *My RTI application seeking Prior Approval u/s 24 was addressed/sent to Chief Information Commissioner knowing fully well Registry of CIC is only limited process complaints/2nd Appeals. Why this RTI Application was not placed by Secretary CIC before Chief Information Commissioner or before Information Commissioner assigned to deal with ED(FERA) matters in CIC. Give reasons for not placing my Application as above for appropriate order or direction since year 2015.*
6. *Whether Registrar/Administration can refuse to place my RTI Application before CIC if it is neither complaint nor appeal.*
7. *Whether as of now my RTI Application pending in Registry since year 2015 can be placed by Secretary of CIC before Chief Information Commissioner or Information Commissioner in discharge of responsibility u/s 24 RTI Act as laid down by Hon'ble Supreme Court. If not, please give specific reasons.*
8. *Your letter CICOM/R/2017/00211 dated 01-03-2017 confirms the Procedure u/s 24(1) of RTI while in your letter it is denied on the absence of rules. Please clarify?"*

2. Shri Ashok Kumar Sharma, CPIO, RTI Cell vide letter dated 01.02.2018 has responded as under:-

> *"1. No such extraordinary powers conferred on CIC.*
>
> *2. Rules/procedures are framed by the appropriate government i.e. Central Government (Department of Personnel & Training).*
>
> *3,4 RTI application has already been transferred online through RTI-MIS to Shri Sushil Kumar, DS(Admin) & CPIO to provide the information directly to you.*
>
> *5. The RTI applications are replied by the CPIO's of the Commission as per the provision of RTI Act, 2005. No reasons sought by you are available on record.*
>
> *6. No such information is available on record.*
>
> *7. No such specific reasons are available on record.*
>
> *8. CPIO is not competent to give any clarifications and also seeking clarifications/reasons etc does not come under the purview of RTI Act, 2005."*

3. In the appeal, the appellant has stated that CPIO has provided incomplete information in respect of following points:-

> *"(1) U/s 24(1) of RTI Act, CIC have been given power to approve the RTI application on seeking information on corruption/Human Rights Violation from offices exempted under schedule 2 of RTI Act only then information by exempted offices will be provided but Central Information Commission failed to establish internal procedure to discharge its duty conferred by Section 24 of RTI Act. For other sections of RTI Act Central Govt have notified rules/procedures but for section 24 it is CIC to frame its own procedure. CPIO have not referred this point to Joint Secy Admn if the matter belonged to Admn.*
>
> *(2) CPIO have not provided Name/Designation /Full address of Department of Personnel & Training official which is responsible for framing Rules/Procedure under RTI Act.*
>
> *(5) Information is specific to my RTI Application (Diary no.148980/2016) and Central Registry CPIO should provide the information.*
>
> *(6) Information is specific to my RTI Application (Diary no.148980/2016) and CPIO, Central Registry should provide the information.*
>
> *(7) Information is specific to my RTI Application on pending (Diary no.148980/2016) and CPIO RTI Cell should have transferred my Application u/s 6(3) of RTI Act to CPIO, Central Registry of CIC.*
>
> *(8) Deputy Registry, Central Registry have vide letter CICOM/R/2017/0211 have confirmed the procedure u/s 24(1) of RTI Act to be followed while same Central Registry informs through Joint Secretary (Admin & DG) that there are no rules/ procedure u/s 24(1) of RTI Act for approval of RTI Application. Since this matter is of Grievances, it was referred to Joint Secretary (Admn & DG) and CPIO should have transferred this point also to JS(Admn) u/s 6(3) of RTI Act."*

Decision with reasons:-

4. From the above, it is observed that the points raised by the appellant in the appeal, has not been raised in his original RTI application. As regards point-wise information furnished by the CPIO in response to the RTI application is found appropriate except Points 3 & 4 where no information has been furnished by DS(Admin) cum CPIO. **Direction in this regard is given to Shri Sushil Kumar, DS(Admin) cum CPIO to provide information on Points 3 & 4 to the appellant within 7 days from the date of receipt of the order.**

5. On Point-2 of the appeal, the appellant has stated that the CPIO has not provided name/designation and full address of Department of Personnel & Training. The CPIO, RTI Cell has intimated the full address of DoPT. which is as under:-

Government of India,
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
North Block,
New Delhi – 110 001.

6. The appeal is disposed off.

7. 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 05th March, 2018.

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

Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.
2. Shri Sushil Kumar, DS(Admin) cum CPIO, CIC, New Delhi. by hand to sushil kr

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