

CENTRAL INFORMATION COMMISSION
Club building, Opposite Ber Sarai Market, Old JNU Campus,
New Delhi- 110067.
Telefax: 011 – 26182594

Email: registrycab@gmail.com

No. **CICOM/R/2017/00811/128**

Dated: 24/07/2017

To,

Saidur Rehman
R/o Running shed Colony,
L.D-11-M, Terhi Pulia,
Alambagh, Lucknow - 226005

Subject:- Information under the RTI Act 2005.

Sir,

With reference your RTI application dated 04.07.2017 point wise is as follows:

Reply to Para 1:

The information sought by you in para 1 of the RTI application is not available in the form of circular/policy/rule/Act. However, this Commission is obliged to follow the judgements of the High Courts and the Supreme Court. It is pertinent to mention here that in the case of J.K. Mittal vs Central Information Commission in WP(C) No. 6755/2012 the Hon'ble Delhi High Court vide its decision dated 28.10.2013 had held that Sec 18 and 19 of the RTI Act serve two different purposes, lay down two different procedures and provide two different remedies. One cannot be a substitute for the other. The relevant part of the above stated judgment is extracted below:

"In view of the above referred authoritative pronouncement of the Apex Court, there can be no dispute that while considering a complaint made under Sec 18 of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a second appeal in terms of sub-section (3) of Sec 19 is preferred before the Commissioner".

The copy of the decision is annexed as ANNEXURE "A"

Reply to Para 2:

The information sought by you in para 2 of the RTI application is not available in the form of circular/policy/rule/Act. However, this Commission is obliged to follow the mandate of the High Courts and the Supreme Court. The Hon'ble Supreme Court in its decision dated 12/01/2016 (W.P. (C) No. 11065/of 2015- Naresh Kumar vs. CIC & others) has held that Information seeker has no locus standi in penalty proceedings under Section 20 of the RTI Act. The operative part of the order is as follows:

5. In the opinion of this Court, the formation of opinion under Section 20 (2) of the RTI Act is in the exercise of supervisory powers of CIC and not in the exercise of the adjudicatory powers. This Court is also of the view that the information seeker has no locus standi in penalty proceedings under Section 20 of the RTI Act.

The copy of the decision is annexed as ANNEXURE “B”

Reply to Para 3:

The information sought by you in para 3 of the RTI application is not available in the form of circular/policy/rule/Act.

Reply to Para 4:

The information sought by you in para 4 of the RTI application is not available in the form of circular/policy/rule/Act.

Reply to Para 5:

The information sought by you in para 5 of the RTI application is not available in the form of circular/policy/rule/Act.

Reply to Para 6:

The information sought by you in respect of Para 1 and 2 was provided with the copy of supporting case laws. Information sought by you in Para 3 to 5 is not available in any form.

In case you are not satisfied with the above reply, you may file FA before the FAA, CIC, if you so desire. Address of the FAA is as under

AS & FAA
2nd floor, B-wing, August Kranti Bhawan
Bhikaji Cama Place, New Delhi-110066

(A.K. Talapatra)
DR to CIC(AB)

Copy to: RTI Cell, CIC for information