



Central Information Commission
Room No. 185, Ground Floor, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi - 110 066

File No CICOM/R/2017/01202/CR-1

Date: 03.10.2017

To

Shri Omprakash Kashiram

Amol Apartment
3/16, Walohuni,
Kalyan – 421301

Sub: Providing of information under RTI Act. 2005.

Sir,

I am to refer to your RTI application dated 18.09.2017 which has been registered vide no. CICOM/R/2017/01202. It has been received through online RTI MIS in Central Registry on 29.09.2017.

Point-wise reply to your above RTI is as follows:-

At the outse, it is to mention that it is highly unjustifiable to term return of a second appeal/compliant through FM, due to reason mentioned therein as “refused”.

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.

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 authorities 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 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 so designed that it is issued on the basis of “designation” of the Deputy Secretary of CR by the Computerized 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 India which is under the Jurisdiction of Hon’ble CCIC. You may if required contact him in Room No. 340, 2nd 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.

Appeal, if any, against this reply will lie to Shri Rakesh Kumar Singh, First Appellate Authority & Additional Secretary, CIC, Room No 296, 2nd Floor, August Kranti Bhawan, New Delhi-110066 within 30 days of receipt of reply of CPIO. His Telephone no. is 011-26162290, 26175295.

(Krishan Avtar Talwar)
Deputy Secretary & CPIO
Central Registry – 1

Copy to: -

1. The Registrar, CIC, New Delhi – alongwith a copy of RTI application, with the humble request to provide assistance by providing the relevant information as asked in point no. 1 in the RTI application.
2. Shri Ashok Kumar Sharma, CPIO (RTI Cell), CIC, New Delhi.
3. Shri S.C Sharma, DO to Hon’ble CCIC, CIC, New Delhi – alongwith a copy of RTI application.

(Krishan Avtar Talwar)
Deputy Secretary & CPIO