

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनार्थ मार्ग / Baba Gang Nath Marg
मुनिरका / Munirka
नई दिल्ली - 110067 / New Delhi - 110067

No. CICOM/R/2018/50850

Dated: 06.12.2018

To

Shri Chandranshu Mehta
A - 261, Sector - 9
New Vijay Nagar
Near J.K.G. Senior Secondary School
Ghaziabad - 201 009
Uttar Pradesh

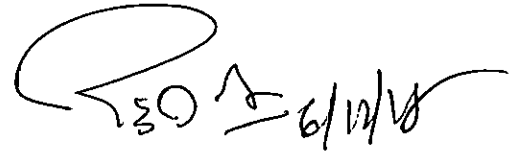
Sub: Compliance of FAA Order No. CICOM/A/2018/00253 dated 28.11.2018.

Sir/Madam,

I am to refer to First Appellate Authority's Order No. CICOM/A/2018/00253 dated 28.11.2018.

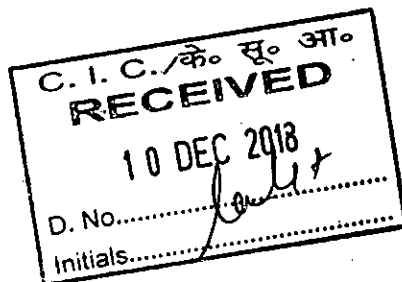
Point no. 4 & 5: Assistance was sought under Section 5(4) from the JS(Admin), CIC on 29.11.2018. Response received from Shri S. P. Beck, JS(Admin), CIC dated 03.12.2018 is enclosed herewith with all enclosures.


Encl: As above


(T. B. J. S. Rajappa)
CPIO (RTI Cell)

Copy to:

1. PA to FAA, (w.r.t. Order no. CICOM/A/2018/00253 dated 28.11.2018).




(T. B. J. S. Rajappa)
CPIO (RTI Cell)

Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi-110 067

F. No.3/3/2018-CIC/Admn.

Dated the 3rd December, 2018

Subject: Seeking assistance under section 5(4) of the RTI Act, 2005 on
First appeal No.CICOM/A/2018/00253 of Shri Chandranshu Mehta .

In reference to your letter No.CICOM/R/2018/50850 dated 29.11.2018, the
requisite information in respect of Point No.4 & 5 are enclosed.

Sent. h. su
(S.P. Beck) 03/12/18
JS(Admn)

To

SO/RTI

Am
03/12/18

RTI
RTI Cell
Pse draft reply
enclosing this reply.
R
9/12

Minutes of the meeting held on 25th September, 2018 at 1500 hrs.

Present

Shri R.K. Mathur, Chief Information Commissioner
Shri Yashovardhan Azad, Information Commissioner
Prof. M. Sridhar Acharyulu, Information Commissioner
Shri Sudhir Bhargava, Information Commissioner
Shri Bimal Julka, Information Commissioner
Shri D.P. Sinha, Information Commissioner
Shri Amitava Bhattacharyya, Information Commissioner
Additional Secretary to the Commission, assisted by other officers

Agenda No.1: Action taken on earlier meeting's decision

The Commission was informed of the action taken on the decisions of the Commission's meeting held on 11.09.2018.

Action: JS(Admn)

Agenda No.2: Quality issues

Discussed. NIC shall be requested to improve the Video Conferencing quality.

Action: JS(MR)

Agenda No.3: Restatement of Values of Judicial Life

Deferred.

Action: JS (Admn)

Agenda No.4: Enquiry procedure for complaints

Some proformas were approved.

Action: Registrar

Agenda No.5: Annual Convention 2018

Discussed.

Action: JS(MR)

Central Information Commission

File No.12/2/2018-CIC/Admn

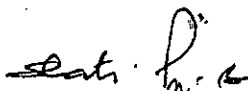
19th September, 2018

It is proposed to hold the Commission's meeting on 25th September, 2018 (Tuesday) at 1500 hrs in meeting Room No.522 (5th Floor), CIC building, Baba Gang Nath Marg, Munirka, New Delhi.

The proposed agenda items are as under:-

- i) Action taken on earlier meeting's decisions
- ii) Quality issues
- iii) Restatement of Values of Judicial Life
- iv) Enquiry procedure for complaints
- v) Annual Convention 2018
- vi) Any other item with the permission of the Chair

It is requested to make it convenient to attend the meeting.


(S.P. Beck)
JS(Aadm)

Copy to:

1. CIC
2. IC(YA)
3. IC(SA)
4. IC(SB)
5. IC(BJ)
6. IC(DP)
7. IC(AB)
8. Additional Secretary
9. Registrar
10. JS(P&B), JS(Law), JS(MR)

(Agenda No. 4)

AGENDA: Enquiry procedure in case of Complaints u/s 18 of the RTI Act, 2005.

● The Central Information Commission under Section 18(2) of the RTI Act, 2005 is empowered to conduct an enquiry if it is satisfied that there are reasonable grounds to enquire into the matter.

● The Commission shall, u/s 18(3) of the RTI Act, while enquiring into any matter, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure 1908 in respect of the following matters, namely:

- (a) *Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;*
- (b) *Requiring the discovery and inspection of documents;*
- (c) *Receiving evidence on affidavit;*
- (d) *Requisitioning any public record or copies thereof from any court or office;*
- (e) *Issuing summons for examination of witnesses or documents; and*
- (f) *Any other matter which may be prescribed*

In W.P. (C) No. 12714/20096, titled as Delhi Development Authority vs. Central Information Commission & Anr., a Division Bench of Hon'ble High Court of Delhi comprising of Badar Durrez Ahmed J. and Veena Birbal J. vide its Judgment dated 21.05.2010 had set aside the Order dated 22/09/2009 pronounced by the Commission to the extent that the Central Information Commission appointed an 'enquiry committee' when it was incumbent upon the Commission to conduct the enquiry itself. The Hon'ble Division Bench has also quashed the Central Information Commission (Management) Regulations, 2007 as being ultra-vires the Right to Information Act, 2005.

It is not clarified under this Section as to what formats are to be used for summoning and enforcing the attendance of persons to give oral or written evidence on oath and/or to produce the documents. Therefore, in order to follow a uniform procedure for conducting the enquiry u/s 18 of the RTI Act, 2005, the draft formats for summoning and enforcing the attendance of persons along with records and also the discovery and inspection of documents before the Commission and draft warrant of arrest have been prepared on the basis of the draft of Summons available in Civil Procedure Code 1908 by making necessary modifications as per requirement of the Commission. Draft of Summons available in the CPC are placed at Flag 'A' and the draft Summons prepared to be used in the Commission are placed at Flag 'B'.

Commission may like to consider the matter.

SUMMONS TO APPEAR IN PERSON

(O. 5, r. 3)

(Title)

TO

[Name, description and place of residence.]

WHEREAS _____ has instituted a suit against you for _____ you are hereby
summoned to appear in this Court in person on the _____ day of _____ 19____ at _____
o'clock in the _____ noon, to answer the claim; and you are directed to produce on that day
all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be
heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19____.

Judge

PROCLAMATION REQUIRING ATTENDANCE OF WITNESS (O. 16, r. 10.)

(Title)

To

WHEREAS it appears from the examination on oath of the serving officer that the summons could not be served upon the witness in the manner prescribed by law : and whereas it appears that the evidence of the witness is material, and he absconds and keeps out of the way for the purpose of evading the service of the summons : This proclamation is, therefore, under rule 10 of Order XVI of the Code of Civil Procedure, 1908, issued requiring the attendance of the witness in this Court on the _____ day of _____ 19 _____ at _____ o'clock in the forenoon and from day to day until he shall have leave to depart; and if the witness fails to attend on the day and hour aforesaid he will be dealt with according to law.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19 _____.

Judge.

APPENDIX C : DISCOVERY, INSPECTION AND ADMISSION

No. 1: ORDER FOR DELIVERY OF INTERROGATORIES (O. 11, r. 1.)

In the Court of _____

Civil Suit No. _____ of _____ 19 _____

A. B. _____ Plaintiff,

against

C.-D.-E.-F.-and G.-H. _____ Defendants.

Upon hearing _____ and upon reading the affidavit of _____ filed the
_____ day of _____ 19; _____ It is ordered that the _____ be
at liberty to deliver to the _____ interrogatories in writing, and that the said _____
do answer the interrogatories as prescribed by Order XI, rule 8, and that the costs of this application be

No. 4

ORDER FOR AFFIDAVIT AS TO DOCUMENTS

(O. 11, r. 12.)

(Title as in No. 1, supra.)

Upon hearing _____; It is ordered that the _____ do within _____ days from the date of this order, answer on affidavit stating which documents are or have been in his possession or power relating to the matter in question in this suit, and that the costs of this application be _____

No. 7

NOTICE TO PRODUCE DOCUMENTS (O. 11, r. 16.)

(Title as in No. 1, supra.)

Take notice that the [plaintiff or defendant] requires you to produce for his inspection the following documents referred to in your [plaint or written statement or affidavit, dated the ____ day of ____ 19 ____].

[Describe documents required.]

X. Y., Pleader for the _____

To Z., Pleader for the _____

No. 17

WARRANT OF ARREST OF WITNESS (O. 16, r. 10.)

(Title)

To

The Bailiff of the Court.

WHEREAS _____ has been duly served with a summons but has failed to attend _____
(absconds and keeps out of the way for the purpose of avoiding service of a summons); You are
hereby ordered to arrest and bring the said _____ before the Court.

You are further ordered to return this warrant on or before the _____ day of _____ 19____
_____ with an endorsement certifying the day on and the manner in which it has been executed,
or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19____.

Judge.

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Central Information Commission
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Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

Dated the 24th September, 2018

ORDER

Sub: Compliance of the orders of the Commission.

In supersession of all the earlier decisions/instructions/orders issued on the subject, it has been decided that henceforth the communications reporting non-compliance of the Commission's order passed under the Act shall be dealt with in the following manner:-

- (i) The communication for non-compliance of the Commission's order shall be entertained only if it is made within one year from the date of final order of the Commission.
- (ii) In cases where no time period is fixed for complying with the orders of the Commission, it shall be presumed that the same are to be complied within 30 days from the date of the said order.
- (iii) Communications reporting non-compliance received in the Commission by post/hand or by email shall be allotted a diary number by the Dak Section and forwarded to the Central Registry. Thereafter, the same shall be scanned and appended to the e-book of the concerned case file by the Central Registry;
- (iv) Communications reporting non-compliance received online/email by the Commission shall be allotted a diary number by the software. Thereafter, the same shall be appended to the e-book of the concerned case file by the Central Registry.
- (v) All such communications thus appended will thereafter be processed in the concerned case file by the concerned Registry.
- (vi) After the scrutiny by the Registry, the matter would be placed before the CIC/ICs for orders. Order(s) of the CIC/ICs shall be communicated to the parties concerned and uploaded on the website;
- (vii) After the matter is decided and closed by CIC/ICs, any further communication in the matter shall be filed by the Dy. Registrar of the Commission.

(Piyush Agarwal)

Registrar

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Central Information Commission
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Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

Dated the 24th September, 2018

ORDER

Sub: Show Cause orders of the Commission.

In supersession of all the earlier decisions/instructions/orders issued on the subject, it has been decided that henceforth the show cause order passed under the Act shall be dealt with in the following manner:-

- (i) The show cause order of the Commission shall be marked as show cause at the time of decision uploading by the Dy. Registrar.
- (ii) Communications reporting show cause reply received in the Commission by post/hand or by email shall be allotted a diary number by the Dak Section and forwarded to the Central Registry. Thereafter, the same shall be scanned and appended to the e-book of the concerned case file by the Central Registry;
- (iii) Communications reporting show cause received online/email by the Commission shall be allotted a diary number by the software. Thereafter, the same shall be appended to the e-book of the concerned case file by the Central Registry.
- (iv) All such communications thus appended will thereafter be processed in the concerned case file by the concerned Registry.
- (v) After the scrutiny by the concerned Registry, the matter would be placed before the CIC/ICs for orders. Order(s) of the CIC/ICs shall be communicated to the parties concerned and uploaded on the website;
- (vi) After the matter is decided and closed by CIC/ICs, any further communication in the matter shall be filed by the Dy. Registrar of the Commission.

(Piyush Agarwal)

Registrar