

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

File No.CIC/SA/A/2014/000550

Appellant : **Sh.O.P.Nahar**

Respondent : **Department of Legal Affairs
Government of India**

Date of hearing : **03-12-2014**

Date of decision : **12-12-2014**

Information Commissioner : **Prof. M. Sridhar Acharyulu
(Madabhushi Sridhar)**

Referred Sections : **Sections 19(3) of the RTI Act**

Result : **Appeal allowed/
Disposed of**

The appellant is present. The Public Authority is represented by Mr. A.K.Joshi, DS, Shri P.R.Ramanathan, Section Officer, Department of Legal Affairs, Government of India.

FACTS:

2. Appellant through his RTI application dated 16.12.2013 had sought for information on 2 Points viz i) Copy of the D.O letter dated 21.07.09 to Secretary, Ministry of Law & Justice from CBI requesting approval U/S 6 A DSPE Act for registration of regular case against O.P Nahar

ii) Copy of the papers enclosed with the aforesaid D.O letter of CBI. PIO Vide his letter dated 07.01.2014 stated that No such DO letter dated 21.07.2009 was received in their office from CBI. However, a DO letter dated 21.07.2008 addressed to Secretary, Ministry of Law was received from CBI requesting approval U/S 6 A DSPE Act for registration of regular case against O.P Nahar. However, the matter is presently with the CBI and Vide DOPT notification dated 09.06.2011, CBI is exempted from disclosure of information under RTI Act. Being unsatisfied with the information furnished, the appellant preferred First Appeal. FAA by his Order dated 27.01.2014 directed the respondent to supply the copy of letter if CBI dated 21.07.2009. In Compliance of the FAA Order, PIO stated that the information sought fell into sec 8 (1)(g) & (h) of RTI Act. Being unsatisfied with the information furnished, the appellant has approached the Commission in Second Appeal.

DECISION

3. Both the parties made their submissions. The Commission has gone through the record in the file. The Commission observes that in spite of FAA directing the CPIO to provide the copy of CBI letter dated 21-7-2009, the CPIO reiterated the same position i.e. the CBI is exempted from RTI Act. The Commission cannot accept the stand of the CPIO as the said letter is in the possession of the CPIO and not the CBI, who is exempted from the RTI Act. The Commission, therefore, directs the CPIO to provide a copy of the said CBI letter to the appellant within 15 days from the date of receipt of this order. The Commission also directs the CPIO, Mr.K.G. Thang to **show cause** why penalty cannot be imposed on him for not complying with the FAA order, who had directed the CPIO to provide the copy to the appellant, but the CPIO again repeated the same reply as given by him initially. His explanation should reach the Commission within 3 weeks from the date of receipt of this order.

4. The Commission orders accordingly.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Deputy Registrar

Address of the parties:

1. The CPIO under RTI, Govt. of India
Department of Legal Affairs, Ministry of Law and Justice,
Implementation Branch, Shastri Bhavan, New Delhi-110001

2. Shri O.P.Nahar,
Chamber No.65, Patiala House Courts,
New Delhi-110001

3. The First Appellate Authority under RTI Act
Government of India, Ministry of Law and Justice
Department of Legal Affairs, Implementation Branch,
Shastri Bhavan, New Delhi-110001

