

**CENTRAL INFORMATION COMMISSION**  
ROOM NO. 329, SECOND FLOOR, C-WING  
August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066  
**Tel. No. 91-11-26717356**

F.No.CIC/VS/A/2013/001489-YA

Date of Hearing : 02.01.2015

Date of Decision : 02.01.2015

Appellant : Shri Subhash Chandra Agrawal,  
Delhi

Respondent : Shri Rajesh Kumar,  
PIO/Dy Land & Development Officer,  
Ministry of Urban Development,  
New Delhi

**Information Commissioner : Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

RTI application filed on : 12.06.2013

PIO replied on : 10.07.2013

First Appeal filed on : 25.07.2013

First Appellate Authority (FAA) order on : 21.08.2013

Second Appeal received on : 11.09.2013

**Information sought:**

The appellant sought information on 13 points regarding allotment of land and government bungalows, etc. to Rashtriya Janata Dal (RJD) (a registered political party).

**Relevant facts emerging during hearing:**

Both the parties are present. The appellant sought the above information by filing an RTI application dated 12.06.2013. The CPIO in his reply stated that the information sought is not available in their office. The FAA

in his order directed the CPIO to provide the photocopy of the allotment letter. The CPIO, in compliance of the FAA's order, provide the copy of the letter of allotment to the appellant vide letter dated 22.08.2013.

The appellant stated that he had sought this information from RJD, however, the same was not provided to him. Therefore, he applied to the Ministry of Urban Development, which is also the custodian of this information. The appellant stated that the full bench of the Commission in its decision dated 03.06.2013 in File No. CIC/SM/C/2011/001386 File No. CIC/SM/C/2011/000838 had held that the political parties will come under the purview of the Right to Information Act, 2005, being public authorities. The said decision has not been challenged till date. He stated that no information has been provided on points 1-8. The respondent stated that they do not hold such information as naming of the property and the purpose for which it is used was never intimated to the Ministry. He categorically stated that no intimation regarding Shri Nawal Kishore's dissent on naming the RJD Headquarters as "Rabri Bhavan" was received in the Ministry. The appellant, at this juncture, stated that the RTI application should have been transferred to the political party and it had not been done so. He further stated that information on points 10 and 11 relates to other state governments and the RTI was not transferred to them. He requested that the information on point 9 be provided again as he has misplaced his file.

**Decision:**

After hearing both the parties and on perusal of record, the Commission directs the respondent to transfer u/s 6(3) Points 10 to 11 to concerned CPIOs of Bihar, Jharkhand & Delhi governments and Points 1 to 8 be transferred u/s 6(3) to RJD, for directly providing information to the appellant as sought in his RTI application. The RTI application shall be transferred to the concerned PIOs within 5 days of receipt of this order, under intimation to the Commission.

The CPIO is further directed to provide information on Point 9, again, to the appellant within one week of receipt of this order, under intimation to the Commission.

The Commission also directs the CPIO to publish all documents/correspondence/guidelines/circulars relating to allotment of land and government bungalows, etc. to all registered political parties, on the Respondent Authority's official website, within four weeks of receipt of this order, under intimation to the Commission.

The Commission notes with concern that the FAA's observation in his order to the effect that the CPIO in his reply had held that the nature of additional information sought by the appellant does not come u/s 2(f), is incorrect and misleading. There is no such mention in the reply dated 10.07.2013 of the CPIO. The FAA is hereby cautioned to avoid making such assertions in his orders which are not on record, while disposing of the first appeals.

A copy of this order be marked to Secretary, Ministry of Urban Development, New Delhi, for information and deemed necessary action.

The appeal is disposed of accordingly.

**(Yashovardhan Azad)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(B.D. Harit)**  
**Deputy Secretary & Deputy Registrar**