

CENTRAL INFORMATION COMMISSION
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Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SM/C/2011/900309/SG/13296
Complaint No. CIC/SM/C/2011/90309/SG

Relevant facts emerging from the Complaint:

Complainant : Mr. Binoy Gupta
1101, Shiromani Raj Kamal Lane,
Parel, Maharashtra

Respondent (1) : Mr. V. Sreekumar
CPIO & Under Secretary (Ad. I),
Department of Revenue,
Room No. 77-A, North Block,
New Delhi- 110001

(2) : Mr. S. P. Roy
CPIO & Under Secretary
Cabinet Secretariat, Rashtrapati Bhawan,
New Delhi-110004

RTI application filed on	:	28.11.2009
PIO (Dept. of Revenue) transferred		
RTI application on	:	31/12/2009
PIO (Cabinet Secretariat) replied on:		08.01.2010
Complaint filed on	:	30.11.2010

Information Sought:

The Complainant had filed the RTI Application dated 28/11/2009 with the CPIO & Under Secretary (Ad I), Dept. of Revenue seeking the following information:

- Copies of minutes of the meeting of the Selection Committee for the post of Members of the Income Tax Settlement Commission, held during the years 2003, 2004 and 2005
- Whether Complainant was considered or not and the reasons for his non selection.

The CPIO, Dept. of Revenue transferred the RTI application vide letter dated 31.12.2009 to the PIO, Cabinet Secretariat for furnishing information in relation to point 1, as described above.

Reply of the Public Information Officer (Cabinet Secretariat):

The CPIO, Cabinet Secretariat informed the Complainant through reply dated 08.01.2010, that the sought information could not be disclosed as per Section 8 (1) (i) of RTI Act, 2005.

Thereafter, the Complainant appealed to the First Appellate Authority (FAA) claiming that information had been denied on erroneous grounds.

Order of the FAA:

After obtaining and carefully considering the relevant documents I hereby direct the CPIO to provide the Information by applying severability clause in terms of section 10(1) of the RTI Act 2005 within 10 working days from the issue of this order.

Grounds for Complaint:

CPIO has not provided the information even after lapse of time-period specified in the Order of the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Binoy Gupta on video conference from NIC-Mumbai City Collectorate Studio;

Respondent (1): Mr. V. Sreekumar, CPIO & Under Secretary (Ad. I), Department of Revenue;

Respondent (2): Mr. S. P. Roy, PIO & Under Secretary, Cabinet Secretariat;

The PIO had sent the minutes of the meeting which had been sought by the Appellant in December 2010. However, some names and portions have been severed as per Section 10 of the RTI Act. After discussions it was agreed that the attested photocopy of the entire minutes would be provided to the Appellant without severing any information. As regards query-2 of the Appellant the PIO will send attested photocopies of any documents which provide any reasons for non selection of the Appellant. If no reasons are available on the record this should be stated.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 20 July 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
06 July 2011

(In any correspondence on this decision, mention the complete decision number.) (SH)