

The Ld. First Appellate Authority
Ms. Jayanthi G, Director BAP
Room no. 663 'A' Wing
Shastri Bhawan
New Delhi – 10001.

Dated : 23/07/2014

Subject : Appeal u/s 19 of RTI Act 2005.

Respected Madam,

It is submitted that I had moved an RTI application dated 19-06-2014 before CPIO, MIB in response to which I have received a reply vide No. I-11011/506/2014-BAP dated 24-06-2014 from Shri Ranvir Singh, CPIO/U.S. (BAP-I Section).

The aforesaid reply, being evasive, is highly unsatisfactory against which I beg to file an appeal as under:-

1. For item nos. 1 to 7 and 9, under the garb of section 7(9) it has been stated in the reply that the information sought would disproportionately divert the resources of the public authority, hence cannot be provided.

At the outset, it is submitted that under Sec. 7(9) of RTI Act the information sought cannot be denied. The robust provisions intended to provide information under RTI Act cannot be used to subvert and circumvent the law to deny information by misreading and misinterpreting the same.

It is submitted that the provision of law invoked to deny the information has been misconstrued whereas it unequivocally means that as far as possible the information sought would be provided in the form desired. The efforts should be made to provide information in the format in which the information has been sought. In case information is not kept ordinarily by the public authority in that format then efforts should be made to compile it. However, the resources of the public authority required to do the job and safety and preservation of the record should be kept in view. If the effort warrants diversion of disproportionate resources, in that case the information sought may be provided in the format in which it is kept by the organization.

However, in the present case, **the appellant/applicant has not sought the information in any particular format, therefore, the CPIO is at liberty to provide information in any manner or form he wishes.** It is nowhere provided in the provision under reference that in any eventuality the information can be refused. Under such circumstances, the provision under section 7(9) of RTI Act has been completely misinterpreted and misunderstood by the authority and in no case the same can be used as a cloak to withhold and deny the information.

There can be no denying the fact that as per Manual on Office Procedure's Para No. 129 (Part 'A' Chapter XIV) the information must be available in the Register of Court/CAT Cases prepared as per Appendices 49 to 51 in MIB.

Further, for item nos. 8 and 10 to 14, if the information was not available in BAP Section, then the Ld. CPIO should have forwarded the part of the application/queries to other concerned sections of Ministry of Information and Broadcasting because query nos. 8 and 10 to 14 relate to one or the other section of MIB and as such DG:AIR or DG:DDn have nothing to do with such queries. From the reply it is clear that the CPIO has failed to perform his statutory duty u/s 6(3) RTI Act, 2005.

The appeal is well within the period of limitation.

If required, personal hearing may also be provided.

It is, therefore, prayed that the CPIO concerned may kindly be directed to :-

1. Provide information sought in Item Nos. 1 to 7 and 9 in any feasible form convenient to the authority;
2. Forward the part of the application/queries to the Sections concerned of MIB for providing the information in respect of Item Nos. 8 and 10 to 14 in terms of Section 6(3) of RTI Act, 2005;
3. Expeditiously provide the information desired within the statutory time-frame.

Thanking you.

Encl: 4 Pages (Copies of appln. + Receipt + Reply)

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Received
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23/06/14

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Min. of Information & Broadcasting
सूचना एवं सुविधा केंद्र
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