

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/MHOME/A/2018/117569

Ehtesham Qutubuddin Siddiqui

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Ministry of Home Affairs,
Legal Section, New Delhi.

...प्रतिवादीगण /Respondents

Relevant dates emerging from the appeal:

RTI : 07.08.2017	FA : 27.11.2017	SA : 10.03.2018
CPIO : 29.09.2017 (RTI Transfer)	FAO : No Order	Hearing : 13.06.2019

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Ministry of Law & Justice, New Delhi seeking a copy of the opinion given by Ministry of Law and Justice regarding the applicability of Maharashtra Control of Organized Crime Act 1999 on Malegaon Bomb blast case in 2008, as sought by National Investigation Agency (NIA).

2. The appellant filed a second appeal before the Commission on the grounds that the CPIO, Ministry of Law and Justice vide letter dated 29.09.2017 transferred his RTI application under Section 6(3) of the RTI Act to the CPIO, MHA, New Delhi for necessary action, however, no reply has been furnished to him till date by the CPIO concerned. Further, the FAA, MHA also did not adjudicate upon his appeal. The appellant requested the Commission to direct the CPIO to provide the information sought for.

Hearing:

3. The appellant, Shri Ehtesham Qutubuddin Siddiqui attended the hearing through video-conferencing. The respondent Shri Srinivasu Kollipaka, CPIO and Dy. Secretary (IS-I Division), Ministry of Home Affairs, New Delhi was present in person.

4. The appellant submitted that the CPIO, Ministry of Law and Justice vide letter dated 29.09.2017 transferred his RTI application under Section 6(3) of the RTI Act to the CPIO, MHA, New Delhi for necessary action, however, no reply has been furnished to him till date by the CPIO concerned.

5. The respondent submitted that the appellant's RTI application was received in the IS-I Division, however, owing to the creation of a new Division to deal with the subject matter at hand and bifurcation of work, the reply could not be furnished to the appellant in time. The respondent tendered his unconditional apology for this lapse and requested the Commission to condone the same. The appellant's RTI application was transferred to CTCR Division which deals with NIA matters. He,

however, requested for some more time for furnishing an appropriate response to the appellant in respect of the instant RTI application.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that as per the respondent, after bifurcation of work of IS-I Division of MHA, the NIA matters are now being dealt with by a new Division, i.e., CTCR Division of MHA. In view of this, the respondent should have sought the assistance of the officer concerned, under Section 5(4) of the RTI Act, and furnished an appropriate reply to the appellant. The Commission, therefore, directs the respondent to provide an appropriate reply, as per the provisions of the RTI Act, if required by seeking assistance of the officials concerned under Section 5(4) of the RTI Act, to the appellant within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

Sd/-

Sudhir Bhargava (सुधीर भार्गव)
Chief Information Commissioner (मुख्य सूचना आयुक्त)
दिनांक / Date 13.06.2019

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. S. Rohilla (एस. एस. रोहिल्ला)
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Addresses of the parties:

1. The First Appellate Authority (FAA)
Ministry of Home Affairs,
Legal Section,
NDCC-II Building, Jai Singh Road,
New Delhi- 110001.
2. The Central Public Information Officer (CPIO),
Ministry of Home Affairs,
Legal Section,
NDCC-II Building, Jai Singh Road,
New Delhi- 110001.
3. Shri Ehtesham Qutubuddin Siddiqui

