

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/RBIND/A/2018/102730

Venkatesh Nayak

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO-I: Department
Of Economic Affairs,
North Block, New
Delhi.

...प्रतिवादीगण/Respondents

CPIO-II: Reserve Bank
of India, Shahid
Bhagat Singh Marg,
Fort, Mumbai.

CPIO-III: Election Commission,
Of India Nirvachan Sadan,
Ashoka Road New Delhi.

Relevant dates emerging from the appeal:

RTI : 07.07.2017	FA : 17.08.2017	SA : 09.01.2018
CPIO : 06.11.2017	FAO : 05.10.2017	Hearing : 24.09.2019

ORDER
(01.10.2019)

1. The issues under consideration arising out of the **second appeal dated 09.01.2018** include non-receipt of the following information raised by the appellant through his RTI application dated 07.07.2017 and first appeal dated 17.08.2017:-

- (i) The total number of representations or petitions or communications, by whatever name called, received by the Government of India, till date, from donors regarding the need for maintaining confidentiality of their identity while making donations to political parties;
- (ii) A clear photocopy of all representations or petitions or communication by whatever name called, described at para 1 above;
- (iii) A clear photocopy of the Draft Electoral Bond Scheme prepared by your Department for consultation with the Reserve Bank of India and the Election Commission of India.

2. Succinctly facts of the case are that the appellant filed an application dated 07.07.2017 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Department Of Economic Affairs, North Block, New Delhi, seeking aforesaid information. The CPIO did not give any reply. Dissatisfied with the non-response of the CPIO, the appellant filed first appeal dated 17.08.2017. The First Appellate Authority disposed of the first appeal vide order dated 05.10.2017. Later the CPIO replied on 06.11.2017. Aggrieved by this, the appellant has filed a second appeal dated 09.01.2018 before this Commission which is under consideration.

3. The appellant filed the instant appeal dated 09.01.2018 *inter alia* on the grounds that the reply given by the four CPIOs of the respondent were false and misleading.

4. The CPIO vide letter dated 06.11.2017 informed that they did not have any information to give. The FAA vide order dated 05.10.2017 held that information had not been provided to the appellant. Further, that since the content of application primarily concerned the Department of Financial Services, Election Commission of India and Co-

ordination Section, Department of Economic Affairs, FAA directed the CPIO to transfer the application to the concerned CPIOs.

5. The appellant and the respondents Ms. Shobha Basil, Under Secretary, Department of Economic Affairs, New Delhi, Mr. Santosh Kumar, Under Secretary/CPIO and Mr. Amit Vishwakarma, Section Officer (ACPIO), Election Commission of India, New Delhi attended the hearing in person and Mr. Lalit Kumar, Manager/Rose Saprocho, Reserve Bank of India, Bandra attended the hearing through video conference.

5.1. The appellant submitted that he addressed the RTI application to the Department of Economic Affairs which had subsequently transferred the RTI application to Co-ordination Section, Department of Economic Affairs, Election Commission of India and Department of Financial Services. However, no hearing notice has been issued to Department of Financial Services in this matter.

5.2. The representatives of Election Commission of India submitted that they did not have any information relating to the electoral bonds scheme. They further stated that they had not received any representations as referred to in the RTI application. The representatives of the Reserve Bank of India submitted that no information as sought by the appellant was available with them. The representative of Department of Economic Affairs submitted that their Appellate Authority had directed the RTI application to be transferred to the Department of Financial Services and Election Commission of India.

6. The Commission after adverting to the facts and circumstances of the case, hearing all the parties and perusal of records, feels that the RTI application has not been properly addressed by the respondent. The Department of Economic Affairs being the respondent to whom the RTI application was originally addressed, is expected to

identify the public authority which has the possession of the information sought by the appellant. In view of this, the Department of Economic Affairs is directed to co-ordinate with the Department of Financial Services, Election Commission of India and provide consolidated reply to the appellant within four weeks from date of receipt of this order. Meanwhile, it is noted that the Department of Financial Services has not given any reply to the RTI application after the same was forwarded by the Department of Economic Affairs. Therefore, the Registry of this Bench is directed to issue hearing notice to Department of Financial Services along with the other parties in the next hearing and the matter is **adjourned**.

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

Sd/-

(Suresh Chandra) (सुरेश चंद्रा)

Information Commissioner (सूचना आयुक्त)

दिनांक/Date: 01.10.2019

Authenticated true copy

R. Sitarama Murthy (आर. सीताराम मूर्ती)

Dy. Registrar (उप पंजीयक)

011-26181927(०११-२६१८१९२७)

ADDRESSES OF THE PARTIES:

THE CPIO,
DEPARTMENT OF ECONOMIC AFFAIRS,
ADMINISTRATION WING,
NORTH BLOCK,
NEW DELHI - - 110001 2.

RESERVE BANK OF INDIA,
INTERNAL DEBT MANAGEMENT DEPTT.,
CENTRAL OFFICE,
23rd FLOOR, CENTRAL OFFICE BUILDING,
SHAHID BHAGAT SINGH MARG,
FORT, MUMBAI - 400 001

ELECTION COMMISSION OF INDIA,
NIRVACHAN SADAN,
ASHOKA ROAD NEW DELHI - 110 001.

THE F.A.A,
DEPARTMENT OF ECONOMIC AFFAIRS,
ROOM NO 233, NORTH BLOCK,
NEW DELHI - 110001

VENKATESH NAYAK,

