

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-1: Department
Of Economic Affairs,
North Block, New
Delhi.

CPIO-2: Reserve Bank
of India, Shahid
Bhagat Singh Marg,
Fort, Mumbai.

CPIO-3: Election Commission,
Of India Nirvachan Sadan,
Ashoka Road New Delhi.

CPIO-4: Department of Financial Services,
Parliament Street, New Delhi

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 07.07.2017	FA : 17.08.2017	SA : 09.01.2018
CPIO : 06.11.2017 & 04.11.2019	FAO : 05.10.2017	Hearing : 10.12.2019

ORDER
(03.01.2020)

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, RBI, 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.

Hearing on 24.09.2019

4.1. 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.

Interim decision (dated 01.10.2019)

4.2. The Commission has passed the following directions on 01.10.2019:

“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.***”

Hearing on 10.12.2019

5. The appellant and the respondents Ms. Ipsita Mitra, Under Secretary, Department of Economic Affairs, New Delhi, Shri M K Mittal, Under Secretary, Department of Financial Services, New Delhi, Shri Teetav Rao, Under Secretary & CPIO and Mr. Amit Vishwakarma, Section Officer, Election Commission of India, New Delhi attended the hearing in person and Shri Prabhat Ranjan, Deputy General Manager, Reserve Bank of India, Bandra attended the hearing through video conference.

5.1. The appellant *inter alia* submitted that false and misleading information had been provided by the respondent no. 4 (Department of Financial Services) vide letter dated 04.11.2019. The appellant argued that all the respondents were passing the responsibility from each other but did not try to find out that information sought was exactly held by which department. The appellant also argued that information might be held by the Department of Revenue but the Department of Economic Affairs intentionally did not transfer the RTI application to revenue department. Therefore, he insisted for take necessary action as per the provisions of the RTI Act as no information was provided so far.

5.2. The respondent Ms. Ipsita Mitra, Under Secretary, Department of Financial Services *inter alia* submitted that issue raised by the appellant in his RTI application was not related to their department, hence, requested to exempt them from this matter. She also stated that the appellant was also intimated the same vide letter dated 04.11.2019.

5.3 The respondent representing the RBI *inter alia* submitted that desired information was not related to their department, therefore, the same was not held by them. They further submitted they searched the records thoroughly but did not find any information sought by the RTI applicant.

5.4. The respondent who represented the Election Commission of India *inter alia* submitted that the information sought was not available with them. They receive political party contribution report and the same was also available on their website. They stated that they were ready to provide the political party contribution report, if the same was wanted by appellant.

6. The Commission after adverting to the facts and circumstances of the case, hearing all the parties and perusal of records, notes that reply given by the respondent no. (2) i.e. Reserve Bank of India is incomplete. Hence, the CPIO, RBI is directed to be more cautious while giving the reply/information to the RTIs. Further he is directed to revisit the RTI application and give a self-explanatory reply/information to the appellant as per the provisions of the RTI Act, within two weeks from the date of receipt of this order. The Commission further notes that submissions/reply given by the respondent no. (1) i.e. Department of Economic Affairs and respondent no. (3) i.e. Election Commission of India are vague and misleading. It is pertinent to mention that in the earlier order dated 01.10.2019, the Commission directed the CPIO, Department of Economic Affairs to coordinate and consolidate the information and furnish the same to the appellant. However, CPIO, Department of Economic Affairs had failed to do so and not discharged his responsibility with true spirit. During the course of hearing, it was observed that the CPIO of D/o Economic Affairs could not get the complete information from the concerned CPIOs, hence, he could not provide the information to the appellant.

In view of this, the Registry of this Commission is directed to issue **show cause** notice to CPIOs of Department of Economic Affairs, Department of Financial Services, Department of Revenue, Election Commission of India as deemed CPIOs to show cause as to why a penalty under Section 20(1) may not be imposed on each of them for not providing the information to the appellant within the stipulated period of 30 days. All the written explanations (from all the CPIOs) must reach to this Commission within three weeks from the date of receipt of this order.

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

Sd/-

(Suresh Chandra) (सुरेश चंद्रा)

Information Commissioner (सूचना आयुक्त)

दिनांक/Date: 03.01.2020

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 - - 1100012.

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

THE CPIO,
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,

