

Speed Post (57)

File No. MoES/ 29/137/2013-RTI
Government of India
Ministry of Earth Sciences

Prithvi Bhavan, IMD Campus
Lodhi Road, New Delhi
Dated 10.02.2014

To,

1. Sh. Raja Acharya,
Flat No. K-7, Cluster-8, Sector-3
Purbachal, Salt Lake City, Calcutta-700097
2. Sh. B.K.Thakur, CPIO MoES

Sub: First Appeal u/s 19(1) of RTI Act-2005 vide application dated 31.01.2014
(received on 03.02.2014)

A. Brief Fact of the Case:

On perusal of the concerned file following facts are gathered;

1. Sh. Raja Acharya vide his RTI Application dated 30.08.2013 (it appears that application received in Department of Science and Technology on 14.10.2013) has sought following information from CPIO, Department of Science and Technology . (The information was related to deliberations of Task Force constituted under the Scientific Advisory Body of Prime Minister on the issue of formation of earth commission and related matter)
 - (a) Copy of the orders / instructions vide which the above mentioned SAC-PM Task Force was constituted for submitting recommendations/ report for formation of Earth Commission and Related Matters
 - (b) Copy of report submitted by the aforesaid SAC-PM task force
 - (c) Copy of the correspondences exchanged between the aforesaid SAC-PM Task force and Govt.
2. The CPIO, Department of Science and Technology transferred the application to CPIO Ministry of Earth Sciences under section 6(3) on 04.11.2013, which was received to CPIO, Ministry of Earth Sciences on 22.11.2013.
3. On receiving the application on 22.11.2013, CPIO requested the information from respective official, so that same can be forwarded to applicant, since CPIO was not custodian of information. He further issued several reminders but no reply was given by respective official (who is deemed CPIO as per RTI Act 2005). In short, applicant was never replied.

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जारी किया
दिनांक 10/2/14

B. Appeal Portion

Appellant Sh. Raja Acharya preferred first appeal under section 19(1) of RTI Act 2005 for not getting any response against his application dated 30.08.2013 and requested to provide the information. He preferred appeal vide his application dated 31.01.2014 (received in this office on 03.02.2014)

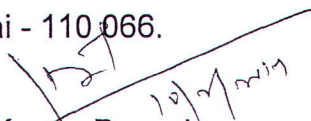
I've carefully gone into the details of the case and find that no reply was ever sent to Sh. Raja Acharya despite several reminders by CPIO. As per RTI Act 2005, section 5(4) & 5(5), the person whose assistance has been sought by CPIO in providing the information is treated as 'CPIO' for that matter. In the instant case the applicant was never replied which amounts to refusal of information.

C. Order

1. Since, the applicant was not replied; it may not be appropriate to decide the case on merit at this stage. **Therefore, in this case CPIO is directed that the matter may be decided as per provision of RTI Act 2005 within 15 days of date of this letter and applicant cum appellent shall be replied accordingly. The undersigned may be informed accordingly.**
2. Since, 30 days as stipulated in RTI Act have already elapsed, the information may be provided free of cost.
3. Appellant has the liberty to file another appeal to undersigned within 30 days of getting the reply on the merit of the case, in case he is not satisfied with the reply of CPIO.
4. Appeal Allowed & Disposed off.

D. In case you are not satisfied with the reply above the 2nd Appeal may be preferred to Central Information Commission as below:

Information Commissioner (KY), August Kranti Bhavan, New Delhi - 110 066.


Manish Kumar Bansal
Director (ICC) & First
Appellate Authority

Copy to: Joint Secretary, Ministry of Earth Sciences