

Respected Sir,

The applicant confutation the response received from CPIO vide PGCIL/R/T/20/00006 dated 09.03.2020.

Let us go ahead point wise according your response.

1. Information sought by applicant does not come under the definition of information.

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

How the CPIO simply deny without any explanation and state that does not come under the definition of information? For this, I would like to quote one realistic example out of many received from CPSEs which clearly reveals that my questions are comes under the purview of RTI Act, 2005 without any if and but. The copy of hard evidence is enclosed for your ready reference. (ANNEXURE I)

2. The public authority under the RTI Act, is not supposed to create information, or to interpret information, or to solve the problems raised by the applicants, or to furnish replies to hypothetical questions.

In this regard, the applicant nothing asked to create information, interpret, furnish answer to hypothetical questions. It is not necessary to put the specific notifications by applicant related to ODL degrees for the purpose of cognizance in recruitment process and thus it is self-explanatory (means notifications related to recognition by MHRD and UGC). If applicant, ask about concerned segment then it includes all the general notifications issued by govt. time to time with respective area of concern. Moreover, to avoid the presumption aspect of supposed information and hypothetical questions from your side, I have specifically mentioning the notifications for your ease so that your response is justified.

My second and third questions was-

Is CPSEs under this office recognize the degrees (ODL Mode) recognized by UGC and MHRD for the purpose of inclusion in the organizational process of recruitment and promotion.

Yes

No

Is CPSEs under this office pursue and implement the notifications* related to ODL degrees like circulars/notifications/gazette/ office memorandum/public notice issued by the Govt. of India (UGC, MHRD, DEB, DPE, Administrative Ministries of CPSEs) consistently in the past for advancement of role of Distance Mode Education in the country like India.

Yes

No

*Notifications stands for-

1. F.No. 5/02/2019-Coord, Govt. of India, Ministry of Power dated 1.3.2019
2. File No. 4(1)/2018-Coord, GOI, MHI&PE dated 17.12.2018
3. DO No. F.18-17/2018-DL, MHRD dated 29.11.2018
4. The Gazette of India dated 27.8.2018, MHRD
5. No. DPE-GM-12/0001/2015-GM-FTS-3756, GOI, DPE dated 25.5.2018
6. DO No. 4-177/2015-DL, MHRD dated 1.5.2018

7. F.No. 1-9/2018(DEB-I), UGC dated 23.2.2018
8. The Gazette of India dated 23.6.2017
9. The Gazette of India dated 10.6.2015
10. F.No. UGC/DEB/Tech. Edu./1/2015 UGC dated 11.3.2015
11. F.No. UGC/DEB/2013, UGC dated 14.10.2013
12. F1-52/2000 (CPP-II), UGC dated 5.5.2004
13. Notification (44), MHRD dated 1.3.1995
14. DO No. F. 1-25/03(CPP-II), UGC dated 28.7.1993

3. Only such information can be had under the Act which already exists with the public authority.

"Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) **inspection of work, documents, records;**
- (ii) *taking notes, extracts or certified copies of documents or records;*
- (iii) *taking certified samples of material;*
- (iv) *obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;*

Your statement in this respect is completely misleading. If govt. bodies (UGC, MHRD, DEB, DPE, Administrative Ministries of CPSEs) issued notifications that means it is in general and everyone should have to implement in true spirit. It is not like that govt. send the issued notifications door to door and if it was once issued & published on govt. platforms then it should be accessible to all. As far as existence of information with public authority, the latest notification dated 01.03.2019 issued by Ministry of Power (coordination section) is evidently prove that concerned authority has received and thus information held with public authority. The same was demanded by applicant that held by PGCIL. Wherein questions put up by applicant, it is nowhere violating the definition of RTI Act, 2005. Moreover, as per Section 2 (j) of Chapter I of RTI Act, 2005, it is the right to inspect the works, documents, records, etc. And, in this case administrative ministry and policy making govt. bodies issued guidelines to CPSEs and as a responsible citizen of the country it is my duty to check-upon the proper implementations of guidelines in order.


4. Accordingly, no document/information can be provided against his request.

From the explanation above, it is concluded that my request comes under the purview of RTI Act, 2005. Hence, it is requested you to **kindly provide the correct information question wise in the form of either 'yes' or 'no'**.

Submission:

Kindly answer the questions specifically which is raised by applicant wrt ODL degrees. Not just like that 'public authority follows all the guidelines issued by govt. time to time'. It is general answer. But, this RTI nature is not in general and questions deals with some specific govt. guidelines. Therefore, request you to please answer for query raised only.

Thanks and Regards


(Mayur Behara)

मांगी गई सूचना	प्रतिउत्तर
<p>श्री मयूर बेहरा द्वारा मांगी गई जानकारी।</p> <p>1. Is CPSEs under this office Compliance of the Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions issued by the Ministries of the Government of India (Other than the Ministry of Defence) and by the Supreme Court vide The Gazette of India, September 1, 2018 (Bhadra 10, 1940) under Part I-Sec. 1 issued by MHRD (Department of Higher Education), New Delhi, the 27th August, 2018.</p>	<p>Recruitment Section of Limited follows government guidelines issued from time to time.</p>
<p>2. Is CPSEs under this office recognise the degrees (ODL Mode) recognized by UGC and MHRD for the purpose of inclusion in the organizational process of recruitment and promotion.</p>	<p>Replied as above.</p>
<p>3. Is CPSEs under this office pursue and implement the notifications related to ODL degrees like circulars/notifications/gazette/office memorandum/public notice issued by the Govt. of India (UGC, MHRD, DEB, DPE, Administrative Ministries of CPSEs) consistently in the past for advancement of role of Distance Mode Education in the country like India.</p>	<p>Replied as above.</p> <p>- यह दस्तावेज आर टी आई अधिनियम के तहत जारी किया जा रहा है। पृष्ठ सं. 3 This document is being released under RTI act. Page No.</p>