

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/2018/120699

Dr. Nutan Thakur

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Ministry of Home Affairs

...प्रतिवादी /Respondent

Relevant dates emerging from the appeal:

RTI : 24.12.2017	FA : 23.01.2018	SA : 27.03.2018
CPIO : 03.02.2018	FAO : Not on Record	Hearing : 08.08.2019

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 Home Affairs, New Delhi seeking information on two points pertaining to the Code of Conduct for Ministers namely (i) the copy of information provided by various ministers of the Union Cabinet regarding para 2 (a) on annual disclosure of property since 01.01.2010 and (ii) copy of the information provided by various ministers of the Union Cabinet regarding para 2 (e) on reporting the matter to the

Prime Minister, if any member of his family sets up or joins in the conduct and management of , any business since 01.01.2010

2. The appellant filed a second appeal before the Commission on the ground that the CPIO, PMO did not provide the information despite transfer of the RTI application u/s 6 (3) of the RTI Act, 2005 and that the FAA did not respond to her first appeal. The appellant therefore requested the Commission to direct the respondent to provide the information sought by her.

Hearing:

3. Shri Shafqat Ali, representative of the appellant was heard through video conferencing. Smt. Renu Sarin, Director and Smt. Lalita T. Hedao, Under Secretary representing the Ministry of Home Affairs, New Delhi were present in person.

4. The appellant's representative submitted that the information sought for was not provided to the appellant subsequent to the transfer of the RTI application under Section 6(3) of the RTI Act, 2005 by the Ministry of Home Affairs (CS Division) to the Prime Minister's Office vide letter dated 03.02.2018.

5. The respondent submitted that the RTI application dated 24.12.2017 was transferred to the CPIO, PMO vide letter dated 03.02.2018 as the information regarding details provided by the Union Ministers in compliance with para 2 (a) and (e) of the Code of Conduct for Ministers was not available with them since as per para 6 of the Code of Conduct for Ministers the authority for ensuring the observance of the Code of Conduct will be the Prime Minister in the case of Union

Ministers. The respondent however tendered their unconditional apology for the delay in transferring the RTI application.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the RTI application was transferred to the CPIO, PMO. However, no response from the CPIO, PMO is available on the record of the Commission. In view of this, the Commission directs the CPIO, PMO, New Delhi to provide information to the appellant within four weeks from the date of receipt of a copy of this order under intimation to the Commission. The Commission, however, notes that the RTI application was not transferred within the period stipulated under the RTI Act, hence, the Commission counsels the CPIO, Ministry of Home Affairs to be more careful in future so that such lapses do not recur and information is provided to the information seeker within the stipulated time.

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 14.08.2019

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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

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4. The Central Public Information Officer,
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5. Dr. Nutan Thakur

