

**CENTRAL INFORMATION COMMISSION**  
**BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067**

Appeal No.34/ICPB/2006  
June 19, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant : Ms. Nita Arya, UDC, Department of Health & Family Welfare.

Public Authority: Ministry of Health & Family Welfare  
Shri H.R. Joshi, Deputy Secretary & CPIO  
Shri Deepak Gupta, Addl. Secretary & Appellate Authority.

**Facts:**

On a complaint made by the appellant regarding sexual harassment, a Sexual Harassment Committee was constituted and it gave its report to the public authority. By an application dated 10.11.2005 to the CPIO, the appellant sought for a copy of the report and also the information relating to the action taken against the accused on the basis of the said report. A copy of the enquiry report was furnished to the appellant on 15.12.2005 without mentioning anything about the action taken on the report. The appellant once again wrote to the CPIO on 20.12.2005 asking him to furnish the information relating to the action taken on the report. Since she did not receive any reply, she appealed to the Additional Secretary, the appellate authority, on 6.1.2006 complaining that action taken report had not been furnished to her. She personally complained to the Secretary of Ministry of Health on 6.2.2006 that action against the accused should be expedited. She thereafter wrote to the Secretary on 10.2.2006 stating that no further enquiry was required and action should be taken on the basis of the report already on record. She was asked to appear before the freshly constituted committee on 23.2.2006 when she was informed that due to some infirmity in the constitution of the earlier committee, a new committee had been constituted and that action would be taken against the accused after receipt of the enquiry report of the new committee. On 28.3.2006, she appeared before the Committee under protest and thereafter by a letter she expressed her reservation on the constitution of the fresh committee and also its conducting a second enquiry. Since action taken report has not yet been provided to her, she has filed this second appeal praying for setting a time limit for the committee to submit its report and to supply her a copy of the action taken report also within a set time limit.

**DECISION:**

2. Comments were called for from the CPIO. It is stated in the comments that no action on the report of the committee could be taken as the accused had questioned the composition of the committee and on advice by the nodal department viz. Department of Women & Child Welfare, a fresh committee has been constituted to enquire into the complaint of the appellant. This fact was made known to the appellant when she had a meeting with the Secretary, when the Chairperson of the new committee was also present. Presently, the committee is conducting the enquiry and action taken report can be provided to the appellant only after receipt of the enquiry report and action on the same. It is also pointed out in the comments that neither the grounds of appeal nor the prayer conform to the requirements of RTI Act.

3. From the narration of the facts and the comments as above, it is evident that the appellant has not sought for any direction to provide the action taken report on the first enquiry, which, in any way would not be available as the public authority has constituted a new committee. In terms of the provisions of RTI Act, the mandate for this Commission is to make available to a citizen, the information in possession of a public authority, by giving appropriate directions. It has no powers to either enquire into why, how and in what manner a decision was taken or to direct how and in what manner the affairs of a public authority are to be conducted. In other words, the prayer sought for by the appellant is beyond the jurisdiction of this Commission. However, since the sexual harassment complaint of the appellant is pending for over 5 years, I hope that the public authority would take note of the anxiety of the appellant for expeditious action in the matter and act accordingly.

4. The appeal is accordingly disposed of.

5. Let a copy of this decision be sent to appellant, CPIO and appellate authority.

Sd/-  
(Padma Balasubramanian)  
Information Commissioner

Authenticated true copy :

( Prem K. Gera )  
Registrar

Address of parties :

1. Shri H. R, Joshi, Deputy Secretary & CPIO, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi 110001.
2. Shri Deepak Gupta, Additional Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi – 110001.
3. Ms. Nita Arya, C-220 Albert Square, Gole Market, New Delhi-1