

## CENTRAL INFORMATION COMMISSION

Appeal No CIC/WB/A/2006/00190

Dated: 30/4/06

Right to Information Act – Section 19

Name of Appellant:                 :         Shri Bhupendra Kumar

Name of Public Authority       :         Directorate of Training & Technical Education,  
Govt. of NCT, Delhi

### **Facts:**

Shri Bhupendra Kumar of Vivek Vihar, New Delhi and Lecturer, Ambedkar Polytechnic, Delhi applied to Shri Mukesh Prasad SPIO and Joint Secretary, DTTE on November 14, 2005 seeking information on forwarding of his application for appearance for the Delhi Judicial Services Exam, 2005, invoking the proviso to sec 7(1) of the Act concerning life and liberty. The PIO responding on 8/12/05 invited the applicant to inspect the file excluding noting. The PIO however did not examine the question of concern for life and liberty. On not receiving a reply within forty eight hours as mandated under proviso to Sec 7(1) in a matter of life and liberty, appellant had filed a first appeal, but on receiving the PIO's response of 8/12/05 he appealed again on 29/12/05 after inspection of the file on 9/12/05, complaining of seven shortcomings:

- i)         Photocopies of all documents not given
- ii)        Copies given were not certified
- iii)       A letter of 7/2/05 not shown
- iv)        Chronological record of processing of application denied
- v)         Noting denied
- vi)        Certain information on whereabouts denied
- vii)       Only one file shown which was incomplete.

Appellate authority Shri JP Rai, Additional Secretary DTTE, found most of the requests frivolous, but directed that the appellant be allowed to inspect the files again and be provided copies certified by concerned custodians within a week. Repeating the requests made in his first appeal and further questioning the intentions of concerned officials dealing with his RTI applications Shri Bhupendra Kumar has filed a second appeal on 30/4/'06 before this Commission. In this appeal he has pleaded that the denial of the claim for life and liberty makes the case one of 'deemed refusal' u/s 7(2).

### **DECISION NOTICE**

The file has been examined. On the question of life and liberty, this Commission has ruled as follows in Appeal no CIC/WB/C/2006/00066 OF 19/4/'06 Shekhar Singh and Aruna Roy & Others vs Prime Minister's Office:

"This (matter to be treated as one of life and liberty) would therefore require the following:

- (i) The application be accompanied with substantive evidence that a threat to life and liberty exists (e.g. medical report)
- (ii) Agitation with the use of Ahimsa must be recognized as a bonafide form of protest, and therefore even if the claim of concern for life and liberty is not accepted, in a particular case by the public authority, the reasons for not doing so must be given in writing in disposing of the application".

However, although the SPIO was therefore justified in holding that this plea was unjustified because of (i) above, as he has held in his response of 12/6/06 to the Appeal Notice, this should have been addressed in his initial response to the original application. This will not in itself justify imposition of penalty. On the other hand I find from the SPIO's above response to the Appeal notice, the public authority is, pursuant to the orders of the 1<sup>st</sup> appellate authority, prepared to allow reinspection of the files and issue of certified copies as required, including the

letter of 7/2/05, and disclosure of file noting as per orders of this Commission in Satyapal vs TCIL of 31/1/06. The appeal is therefore allowed in that the request cannot be viewed as frivolous, but with this recognition that the information sought had not been denied and may now be provided as sought.

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)  
Chief Information Commissioner  
28/6/06

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission:

(LC Singhi)  
28/6/06