

CENTRAL INFORMATION COMMISSION  
Appeal No. CIC/WB/A/2009/000143 dated 19.2.2009  
Right to Information Act 2005 – Section 19

**Appellant** - Shri N. Amuthan  
**Respondent** - President's Secretariat

Decision announced: 10.3.2010

**Facts:**

By an application of 15.7.2008 Shri N. Amuthan of Sarakkal Villai, Nagercoil (Tamilnadu) applied to the CPIO, President's Secretariat seeking the following information:

"I gave a complaint against Principal of Hindustan College of Engineering and Management to Hon'ble President of India regarding project and bending suspension, dated 14.5.2005 (copy enclosed) -

1. What is the appropriate action taken?
2. What is the status of my complaint?
3. Please provide detailed full information."

To this, Shri N. Amuthan received a response dated 13.8.08 from CPIO Shri Faiz Ahmad Kidwai, as follows:

"Your petition dated 14.5.05 was forwarded to the Secretary, M/o Human Resources Development, Deptt. of Secretary & Higher Education, Government of India on 20.5.05 (computer generated copy enclosed). You are, therefore, requested that for further necessary action in this regard, you may contact the department to whom your petition was forwarded, since the matter pertains to their jurisdiction."

On not receiving this response, however, Sri Amuthan moved an appeal on 20.8.08 before Appellate Authority, President's Secretariat, pleading as much and then upon receiving the response moved a fresh appeal on 4.9.08 with the following plea:

"I received the reply from CPIO on 22.8.2008. Please consider this as an Appeal for my application dated 15.7.2008. I have not

received any information from the concern Ministry till date. Please take appropriate action to send the information.”

Upon this, Appellate Authority Ms. Rasika Chaube, Internal Financial Advisor in her order of 22.9.08 has come to the following conclusion:

“The CPIO is hereby directed that he may forward the RTI application dated 15.7.08 duly enclosing the petition dated 14.5.05 to the CPIO of the concerned Ministry as per Sec. 6(3) of the RTI Act so that the appellant can take up the matter with the nodal Ministry under the RTI Act 2005.”

This has brought Shri Amuthan to his second appeal before us with the following prayer:

- “ii) As per CIC case file (Ref. 1) Point No. 3 “Public Authority have a provision to access information by any other law, time being in force”, but CPIO President’s Secretariat has not informed anything about the action taken to access the information.
- iii) As per Sec. 6(3), CPIO, President’s Secretariat has not transfer the application within five days (Ref. 2)
- iv) I addressed the petition dated 4.5.2008 clearly to the President of India. So President’s Secretariat has full responsibility to send the communication by accessing the information from the concern officials.”

The appeal was heard by videoconference on 10.3.2010. The following are present:

**Appellant** at NIC Studio, Nagercoil (TN)  
Shri N. Amuthan

**Respondents** at Rashtrapati Bhawan, New Delhi.  
Smt. Rasika Chaube, Appellate Authority  
Shri Faiz Ahmad Kidwai, CPIO

CPIO Shri Faiz Ahmad Kidwai submitted that the initial complaint regarding which the information has been sought was received on 14.5.05 and transferred by the concerned Section to the Ministry of Human Resources Development on 20.5.05, with a copy to appellant. A copy of this transfer letter was also sent to appellant Shri Amuthan by CPIO together with his response to the RTI application. Nevertheless, the application of 15.7.08 has now also been

forwarded to Ministry of Human Resources Development in compliance with the orders of Appellate Authority. Appellant Shri Amuthan submitted that the Ministry of Human Resources Development had indeed received the RTI request, which had been transferred to AICTE. This matter had been dealt with in this Commission vide **File No.CIC/MA/A/2008/00427**. However, he has received no further information, as sought.

### **DECISION NOTICE**

From the above it is quite clear that the President's Secretariat has complied in full with the mandate of the Right to Information Act 2005 in informing the appellant Shri Amuthan of the action taken on his earlier complaint, and its status insofar as that Secretariat is concerned. Subsequently, through an act of consideration, the RTI application also stands transferred to the Ministry of Human Resources. Clearly, there is no further information that can be supplied by the President's Secretariat in keeping with the definition of the Right to Information as laid down in Sec. 2(j). This appeal, therefore, can only be dismissed.

Nevertheless, on the basis of the submission of the appellant Shri Amuthan in this hearing, we will separately examine also the appeal before this Commission in File No. **CIC/MA/A/2008/00427** to determine whether any further intervention is required from us.

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

(Wajahat Habibullah)  
Chief Information Commissioner  
10.3.2010

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.

(Pankaj K.P. Shreyaskar)  
Joint Registrar  
10.3.2010