

CENTRAL INFORMATION COMMISSION
Complaint No. - CIC/WB/C/2009/000067 dated: 24.02.'09
Right to Information Act- Section 18(1) (b)

Complainant: Ms. Anima Kumari

Respondent: Prime Minister's Office (PMO), New Delhi.

Decision announced 12.3.'10

Facts:-

The Commission has received a complaint from Ms. Anima Kumari of Dhanbad, Jharkhand that her request under RTI Act, 2005 submitted to the Central Public Information Officer, Prime Minister's Office, New Delhi, seeking information regarding action taken on her petition of 21.07.2008 with the PMO related to malfunctioning of a private firm M/s R. R. Securities (P) Ltd., which has been variously referred to as R. R. Equity Brokers Pvt. Ltd. And R. R. Equity Pvt. Ltd. and other related information has not been responded to, even though the same was duly submitted along with the requisite fee, dated 21.07.2008. She has further alleged that the first appellate authority has also not decided the appeal filed u/s 19(1) of the Act on 25.08.2008.

Admitting the complaint of Ms. Anima Kumari under Section 18(1) (b) of the RTI Act, 2005 the Commission served notice on 06.01.2010 on CPIO, Prime Minister's Office, New Delhi for furnishing comments on the complaint. In response, CPIO Ms. Sanjukta Ray, Deputy Secretary has submitted her comments on 19.01.2010 with a copy also endorsed to complainant. The CPIO has informed the Commission that the application dated 21.07.2008 of the complainant could not be treated as a valid application under RTI Act because neither was the fee deposited by the complainant nor was the proof of BPL category enclosed for seeking information as per the Right to Information (Regulation of Fees and Cost) Rules, 2005 and this was conveyed by the then Deputy Secretary vide letter dated 04.09.2008 to the complainant in response to the appeal dated 25.08.2008 of the complainant. CPIO Ms Ray has further

pleaded that as per input from Cash Section, PMO, there is no record of IPO no. 75 E 747764, as the letter dated 21.07.2008 of the complainant mentions. Nevertheless the CPIO has informed the Commission that the petition dated 19.02.2008 of the complainant was forwarded to the Department of Economic Affairs, vide letter dated 05.03.2008 regarding which information had been sought for by the complainant. The CPIO has enclosed the copy of forwarding letter of the petition of the complainant with his complaint.

Decision Notice

From a perusal of the comments received from CPIO, it seems that prescribed fee has not been received by the office of the Prime Minister. Nevertheless, the same should have been communicated to the complainant immediately in response to the request which has been done only in response to the appeal as filed by the complainant. The CPIO is hereby directed to be more careful in future while dealing with applications under the RTI Act. On the other hand since no fee had been received CPIO cannot be held liable u/s 20

Nevertheless, complainant is hereby advised that she may file a fresh application along with the requisite fee if she feels that the information that has been provided by the CPIO through her comments, incomplete or otherwise unsatisfactory in reference to her petition dated 19.02.2008. The present complaint is disposed of accordingly.

Announced this twelfth day of March 2010. Notice of this decision be given free of cost to the parties.

Wajahat Habibullah
(Chief Information Commissioner)
12.03.2010

Authenticated true copy, additional copies of order shall be supplied against application and payment of the charge prescribed under the Act to the CPIO of this Commission.

Pankaj K. P. Shreyaskar
Joint Registrar.
12.03.2010