



केन्द्रीय विद्यालय संगठन (मु०)

18, संस्थागत क्षेत्र, शहीद जीत सिंह मार्ग, नई दिल्ली-110016

KENDRIYA VIDYALAYA SANGATHAN (HQ)

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Comp.No.9294

फा.सं.11-PIC064/3/2/2020-PIC

दिनांक:-16/09/2020

समस्त उपायुक्त/ निदेशक एवं
प्रथम अपीलीय अधिकारी,
केन्द्रीय विद्यालय संगठन,
समस्त क्षेत्रीय कार्यालय एवं जीट

विषय: Provision for filing online RTI u/s 7(1) of the RTI Act (Life or liberty).

महोदया/महोदय,

उपरोक्त विषयान्तर्गत श्री ए. के. असिजा, उप रजिस्ट्रार, केन्द्रीय सूचना आयोग, नई दिल्ली-67 का पत्र सं.CIC/DOP&T/C/2018/628739/MOE दिनांक 02.09.2020 प्राप्त हुआ है जिसके साथ केन्द्रीय सूचना आयोग का निर्णय सं.CIC/DOP&T/C/2018/628739/MOE/03274 दिनांक 22.04.2020 भी संलग्न है। जो कि "Provision for filing online RTI u/s 7(1) of the RTI Act (Life or liberty)" विषय पर आयुक्त, केन्द्रीय सूचना आयोग पर दिये गये आदेश के परिसंचरण (circulation) के संदर्भ में है। जिसमें माननीय उप रजिस्ट्रार, केन्द्रीय सूचना आयोग ने निम्न आदेश दिया है:-

"the commission finds it appropriate to highlight the issue of Sec 7(1) implementation by citizens more so, when postal receipt of RTI applications are minimal, in such situations all public authorities should encourage RTI applications through e-mail in case of life and liberty matter. A unique e-mail id can be created by the CPIOs in this regard and reflected in their respective website. A method of online acceptance of RTI fees also has be thought of in this regard. In so far as other normal RTIs are concerned the RTI portal can be used. The Deputy Registrar is directed to circulate this order widely to the public authorities related to the Registry"

उपरोक्त के संदर्भ में श्री ए. के. असिजा, उप रजिस्ट्रार, केन्द्रीय सूचना आयोग, नई दिल्ली-67 का पत्र सं.CIC/DOP&T/C/2018/628739/MOE दिनांक 02.09.2020 है एवं उसके साथ संलग्न केन्द्रीय सूचना आयोग का निर्णय सं.CIC/DOP&T/C/2018/628739/MOE/03274 दिनांक 22.04.2020 सभी केविसं(मु.), नई दिल्ली एवं समस्त क्षेत्रीय कार्यालयों के जन सूचना अधिकारियों, सहायक जन सूचना अधिकारियों एवं अपीलीय अधिकारियों को अपने अधिकार क्षेत्र में परिसंचारित करने एवं उपरोक्त

आदेश का अनुपालन एवं आवश्यक कार्रवाई करने हेतु प्रेषित किया जाता है।

भवदीया,
16-09-2020.
(नीलम)

संलग्नक:- यथोपरि ।

उपायुक्त(प्रशा.)/ (जसूप्र)

प्रतिलिपि:(1.) जन सूचना अधिकारी/प्रथम अपीलीय अधिकारी/सहायक जन सूचना अधिकारी, केविसं(मु.), नई दिल्ली को सूचनार्थ एवं आवश्यक कार्रवाई हेतु।

(2.) उपायुक्त(शैक्षिक)(ईडीपी प्रकोष्ठ)(श्रीमती इन्दु कौशिक), केविसं(मु.), नई दिल्ली को ई-ऑफिस के नियंत्रण-पट्ट (Dashboard) एवं केविसं(मु.), नई दिल्ली की वेबसाईट में अपलोड करने हेतु।

CENTRAL INFORMATION COMMISSION
CIC Bhawan, Baba Gangnath Marg,
Munirka, New Delhi- 110067.
[Registry of IC(VN)]

No.CIC/DOP&T/C/2018/628739/MOHRD

Dated: Sept 02, 2020

To


The Nodal CPIO,
 Kendriya Vidyalaya Sangathan,
 18 Institutional Area, Shaheed Jeet singh Marg
 near Katwaria Sarai, New Delhi-110016

Sub: Provision for filing online RTI u/s 7(1) of the RTI Act (Life or liberty)

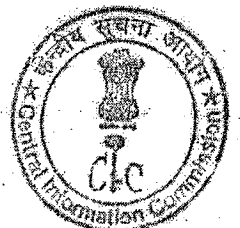
The Central Information Commission recently in a case, Mohit Kumar Gupta vs. CPIO, University of Delhi, (File No. CIC/DOP&T/C/2018/628739/MOHRD), has, inter alia, passed the following order with regard to filing of RTI u/s 7(1) of the RTI Act, (Life or liberty):

"the Commission finds it appropriate to highlight the issue of Sec 7(1) implementation by citizens more so, when postal receipt of RTI applications are minimal, in such situations all public authorities should encourage RTI applications through e-mail in case of life and liberty matter. A unique e-mail id can be created by the CPIOs in this regard and reflected in their respective website. A method of online acceptance of RTI fees also has be thought of in this regard. In so far as other normal RTIs are concerned the RTI portal can be used. The Deputy Registrar is directed to circulate this order widely to the public authorities related to the Registry."

2. A copy of the above stated Order is enclosed for taking necessary action as per the Order of the Commission. Further, you are also directed to circulate the above Order to the Organisations / undertakings / statutory bodies / sub-ordinate and other offices, under your administrative control for taking necessary action in the matter.


 (A.K. Assija)
 Dy. Registrar

Encl: As stated.



केन्द्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION

बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

Decision no.: CIC/DOP&T/C/2018/628739/MOHRD/03274

File no.: CIC/DOP&T/C/2018/628739/MOHRD

In the matter of:
Mohit Kumar Gupta

... Complainant

VS

Central Public Information Officer
New Administrative Building
University of Delhi, Delhi - 110 007

... Respondent

RTI application filed on	:	06/08/2018
CPIO replied on	:	Not on record
First appeal filed on	:	Not on record
First Appellate Authority order	:	Not on record
Complaint filed on	:	14/08/2018
Date of Hearing	:	22/04/2020
Date of Decision	:	22/04/2020

The following were present:

Complainant: Present over phone

Respondent: Smt. Meenakshi Sahay, Deputy Registrar and CPIO, present over phone

Information Sought:

The complainant has sought the following information:

1. Certified copies of file notings, orders, minutes of meetings, action taken reports, correspondences prepared and communications made by offices of Daulat Ram College and Sports Council and OSD (Admissions) and other departments of the University of Delhi in respect of the Notice dated 02 August, 2018 issued by the Principal, Daulat Ram College whereby the admissions under Sports Quota First list has been cancelled and withdrawn.

2. Copies of the minutes of the meetings of the Sports/Admission Committee (for Academic Year 2018-19 Admissions) held in the months of April, May, June, July and August 2018 in the Daulat Ram College, University of Delhi.
3. Certified copies of the minutes of the meeting (along with attendance sheet) of the Sports/Admission Committee (for Academic Year 2018-19 Admissions) held in the months of April, May, June, July and August 2018 in the OSD (Admissions) and Registrar and other offices of University of Delhi.
4. And other related information.

Grounds for filing Complaint

The CPIO has not provided the desired information.

Submissions made by Complainant and Respondent during Hearing:

The complainant submitted that the CPIO of University of Delhi is not the concerned party. He further submitted that he was constrained to file a complaint as he wanted to draw attention of the Commission towards the gap in the RTI portal managed by the NIC and under the supervision of DoPT in which provision for filing RTI u/s 7(1) of the RTI Act is not available. He explained that the present information sought was related to arbitrary rejection of admission of 16 girls of Daulat Ram College. He further submitted that he had filed a representation to DoPT on 21.06.2017 followed by a reminder dated 28.07.2017. Furthermore, he submitted that the DoPT had provided a reply on 31.08.2017 stating that the matter has been examined and NIC has been requested to place the provisions of Sec 7(1) of the RTI Act for providing information related to life or liberty of a person within forty-eight hours of the receipt of the request as a directive for CPIOs of Public authorities in the User Manual of the CPIO module of RTI online portal. However till date no further action has been taken by NIC.

He submitted that as the matter is related to a larger public interest issue and therefore an appropriate order should be issued.

Observations:

Based on a perusal of the record it was noted that the complainant had made the PIO, Delhi University, PIO DoPT and PIO Central Information Commission respondents in his complaint memo. He had mentioned in his complaint that recently he faced the issue of making an application under Section 7(1) through the online portal of DoPT to the public authority 'University of Delhi' in relation to the matter of 'arbitrary cancellation of 16 minor/major girl students

of Daulat Ram College, University of Delhi and issues related thereof', as the said portal did not provide the facility for the same and therefore compelled him to make a physical application which got delayed by nearly 4 hours, with hesitation on the part of the Diary/Dispatch clerk to record the time upon it. That further, representation made to the DOPT elicited a positive response but with utter non-understanding of the issue and therefore nothing happened at their end. The said response was only made when a RTI application was filed, however there was nothing done thereafter too. Therefore, it is imperative upon public authorities to make available to each citizen, a platform to file 'Life and Liberty' RTI Applications.

He relied on a decision of the Hon'ble Supreme Court in re CBSE vs. Aditya Bandopadhyaya, where the Hon'ble court held that the right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption.

In his petition he mentioned that the said issue has come to light in the recent case where information was sought on 07.05.2017 over representations made in respect of possible malafide action by the administration of Faculty of Law, University of Delhi during the scheduled LL.B. examinations w.e.f 9th May 2017, but however the same was neither acknowledged nor replied within 48 hours. On trying to file the first appeal, the same was disallowed by the RTI online portal. Even the University of Delhi didn't acknowledge the receipt of the e-mail sent for filing of first appeal on 12th May 2017 and on 20th June 2017, the University vide its reply through the CPIO Meenakshi Sahay made the following statement:

"The email ID coio@admin.du.ac.in is not for filing RTI application or first appeal, it is hereby informed that the first appeal can be filed on the link https://rtionline.gov., wherein the online RTI application was filed. Alternatively, it can be filed through an application addressed to the First Appellate Authority with relevant details, which can be submitted by hand or sent through post."

The limited relief sought by the complainant is (1) provision for filing RTI u/s 7(1) of the RTI Act, (Life or liberty) on the RTI online portal. (2) provision for filing RTI first appeal u/s 19(1) of the RTI Act, (Life or liberty) on the RTI online portal. A reply was sent by DoPT to the complainant's representation on 31.08.2017 which reads as follows: the matter has been examined and NIC has been requested to place the provisions of Sec 7(1) of the RTI Act for providing information related to life or liberty of a person within forty-eight hours of the receipt of the request as directive for CPIOs of the Public authorities in the User Manual of the CPIO module of RTI online portal.

Decision:

In view of the above observations, the Commission observed that the concern raised a much larger issue and access to information must be a priority. All the public authorities need to understand the essence of life and liberty. Sec 7(1) reads as follows:

"(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request." The CPIO has the liberty to consider the matter as a normal RTI or a matter of life and liberty, and the issue of flooding of RTI applications, in the criteria of life and liberty cannot be overlooked in case the option of Sec 7(1) application is available online without restriction. In view of this an advisory is issued u/s 25(5) of the RTI Act to the Secretary DoPT to evolve a system after coordinating with the Director General, NIC in the spirit of the RTI Act and take immediate steps towards providing a platform for implementation of Sec 7(1) of the RTI Act.

It is also important to mention here that the complainant had made the DoPT and CIC also respondents however, the same cannot be taken into cognizance u/s 18 of the Act, as the gap in the RTI portal is a policy decision and penal action against the CPIO is definitely not the solution. It is relevant to mention here that regarding the present RTI also the complainant during hearing had not pressed for any action against the CPIO, University of Delhi. The present

complaint is therefore considered as an issue solely regarding implementation of Sec 7(1) of the RTI Act in the RTI portal.

A report on the action taken on the advisory may be sent to the Commission by the Secretary, DoPT within 7 days from the date of withdrawal of lockdown. Due to the on going pandemic of coronavirus in the country and the prevalent lock down, the Commission finds it appropriate to highlight the issue of Sec 7(1) implementation by citizens more so, when postal receipt of RTI applications are minimal, in such situations all public authorities should encourage RTI applications through e-mail in case of life and liberty matter. A unique e-mail id can be created by the CPIOs in this regard and reflected in their respective website. A method of online acceptance of RTI fees also has been thought of in this regard. In so far as other normal RTIs are concerned the RTI portal can be used. The Deputy Registrar is directed to circulate this order widely to the public authorities related to the Registry.

The Complaint is disposed of accordingly

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy

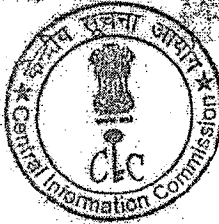
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ए.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date



Copy to:

Secretary, DoPT

Registrar, Central Information Commission