

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/PMOIN/A/2021/110559**

Shri Jugal Purohit

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, PMO

...प्रतिवादीगण /Respondent

Through: Shri Praveen Kumar – Dy. Secretary

Date of Hearing : 29.06.2022

Date of Decision : 11.07.2022

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 17.11.2020

PIO replied on : 21.01.2021

First Appeal filed on : 12.01.2021

First Appellate Order on : 17.02.2021

2ndAppeal/complaint received on : 09.03.2021

Information sought and background of the case:

The Appellant filed an RTI application dated 17.11.2020 which was responded to by the CPIO/Under Secretary, PMO vide letter dated 21.01.2021 as under:-

Information Sought (verbatim of the application)	Response
Please provide information on the following aspects: a. Please provide information in the form of list of all the meetings/discussions/ conferences/reviews over COVID-19/Coronavirus in India in which the Prime Minister/PMO chaired/participated in between January 1,2020 to March 24, 2020. b. With regards to the above point 'a', also provide a list of all the attendees (names and designations) in these meetings, the dates on which they were held and the mode. c. Please share information with regards to the names of Chief Ministers/ Central or State Ministers/ Cabinet Committees/Ministries /authorities/ advisers/ think tanks/ individual experts with whom PM/PMO/ delegated central authority discussed/consulted on some/any/all aspects of the national lockdown, before the national lockdown was announced on March 24, 2020.	The details sought by the applicant attract the provisions of Section 7(9) of the Right to Information Act, 2005.

- d. With regards to the point 'c', please share information in the form of copies of relevant communication containing minutes of the meetings, recommendations as well as dates, name of attendees with designation and mode of these meetings/ consultations/ reviews/ discussions etc.
- e. Please share information in the form of list of all the meetings that took place on or before March 24, 2020 with details of dates, attendees with designation and mode of such meetings where PM/PMO/delegated central authority chaired/participated and where planning, implementation and mitigation of impact of any other aspect of the national lockdown, which was announced on March 24,2020, was discussed.
- f. With regards to the above point 'e' please provide information in the form of relevant copies of communication before, during and after the said meetings which deal with planning the enforcement of the lockdown, ensuring availabilities of essential supplies and responding to the impact and mitigating the same.
- g. Please share information on the date, time, mode of communication through which PM/PMO/delegated central authority for the first time informed/intimated the President of India, Vice President of India, Governors and Lieutenant Governors and Chief Ministers about the decision to enforce a nationwide lockdown starting March 24, 2020.
- h. With regards to the point 'g', share copies of relevant communication and responses received from each.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 12.01.2021. The FAA/Director, PMO vide order dated 17.02.2021 disposed of the first appeal based on the reasons given below:-

- 4. I have examined records in the matter. By way of appeal dated 12.01.2021, you contented that no information has been provided to you so far in this matter. On perusal of records, I find that CPIO, PMO, vide online response dated 21.01.2021, has already responded to you in the matter. It is noted that your Appeal dated 12.01.2021, predates CPIO's response dated 21.01.2021 which can be accessed at online RTI portal.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A communication dated 23.06.2022 has been received from the Appellant requesting to be heard via phone or other online mechanism since he is out of town.

Hearing was scheduled through audio conferencing at the request of the Appellant. Both parties are heard virtually and the Appellant reiterated his contentions stating the PIO has neither furnished information nor denied it citing any of the exemption clauses as specified under the RTI Act, 2005.

Decision:

Upon perusal of the facts of the case, the Commission is of the considered opinion that the reply of the PIO is not in consonance with the provisions of the RTI Act as has been rightly pointed out by the Appellant. The Respondent has merely stated that *details sought by the Applicant attract the provisions of Section 7(9) of the RTI*

Act, 2005. Thus information sought by the Appellant has not been provided to him nor has appropriate provisions of the RTI Act have been cited justifying exemption from disclosure, in the reply sent to the Appellant. Therefore, the reply sent by the PIO is found untenable in law.

Under the circumstances, the Commission directs the PIO, PMO to re-examine the RTI application and provide a revised point wise response in accordance with the provisions of the RTI Act, 2005 to the Appellant within three weeks of receipt of this order. The Respondent shall submit a compliance report in this regard alongwith necessary proof of service by 31.07.2022.

The aforementioned appeal is disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
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