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RTI MATTER
BY SPEED POST

F.No. N-20013/10/2011-SO(NC-I)
Government of India
Ministry of Finance
Department of Revenue

Room No.267-D, North Block,
New Delhi, the 28 August, 2014

To

Shri Madhusudan Pathak,
O/o the Supdt. (Preventive), Preventive & Intelligence Cell,
Central Bureau of Narcotics,
Chhotisadari Road, Pratapgarh,
Rajasthan. 312 604

**Subject:- Second appeal filed before Central Information Commission (CIC)
under RTI Act, 2005.**

Sir,

Please refer to the CIC order no. CIC/SS/A/2013/000719/KY dated 08-08-2014 (received by the undersigned CPIO on 20.08.2014) in response to your second appeal filed on 21-09-2012 before the CIC (**copy of appeal not received by the CPIO**).

2. The following decision has been taken in the aforesaid order of CIC:

"The Commission is of the considered view that the appellant has been provided the required information by the respondents against issues no. 3 only in terms of Section 2(f) of the RTI Act 2005. However, respondents failed to provide the required information to the appellant against issues no. 1 & 2 of the RTI application dated 16.05.2011. In view of this, the Commission feels that the appellant's second appeal deserves to be allowed partially i.e. against issues no. 1 & 2 of the RTI application. Therefore, it is allowed accordingly.

*In view of the above, **the respondents are hereby directed to provide the complete and categorical information, against issues no. 1 & 2 only, to the appellant, within 30 days from the date of receipt of this order under intimation to this Commission. If need be, Section 5(4) of the RTI Act 2005 be also invoked in the matter.**"*

3. With reference to issue no. (i) of the RTI application dated 16.05.2011 it is stated that as per available records, the General Conditions for grant of licenses for cultivations of opium for the Crop Year 2009-10 was finalized with the approval of the then Finance Minister of Government of India. The officers who have examined this issue in hierarchal order are as follows.

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|-----------------------|---|------------------------|
| (i) Assistant | - | Mrs. Kusum Lata Sharma |
| (ii) Section Officer | - | Sh. S.K. Jain |
| (iii) Under Secretary | - | Smt Vimla Bakshi |

- (iv) Director - Sh. P.V.Subba Rao
(v) Joint Secretary - Sh. Mukul Singhal
(vi) Additional Secretary - Sh. K. Jose Cyriac
(vii) Secretary - Sh. P.V. Bhide

While the Assistant Smt Kusum Lata Sharma is continued to be posted in Narcotics Control-I Section of Department of Revenue, M/o Finance, North Block, New Delhi, the present posting of other officers is not known, as such Administration Division is being requested to supply the requisite information. Regarding the names of officers of CBN and their present posting, a copy of the letter is being endorsed to CBN, to provide the requisite information. It is further informed that no enquiry conducted against officers of DOR for framing the Opium Policy for the year 2009-10.

4. With reference to issue no. (ii) of the RTI application dated 16.05.2011, it is stated that this matter is in the domain of Central Bureau of Narcotics (CBN). Hence CBN is being requested to supply the requisite information.

5. Hindi version to follow.

Yours faithfully,

o/c
T.K. Satpathy
(T.K. Satpathy)

Under Secretary to the Govt. of India & CPIO
Tel. No. 23095415

Encls.: As below

Copy to:

1. Under Secretary (AD-I) & CPIO alongwith a copy of the RTI application dated 16-05-2011 received from Sh. M.S. Pathak and order dated 08.08.2014 (received by the undersigned on 20.08.2014) with request to provide the present posting of other officers except Smt. Kusum Lata Sharma, Assistant as mentioned in para 3 above to the Appellant directly under intimation to the undersigned as well as to CIC. Timeline given in the order of CIC may kindly be adhered to.
2. The Narcotics Commissioner, Central Bureau of Narcotics, 19, The Mall, Morar, Gwalior (M.P.) -474006 alongwith a copy of the CIC order dated 08-08-2014 for providing the desired information to the Appellant directly under intimation to the undersigned as well as to CIC. Timeline given in the order of CIC may kindly be adhered to
3. Shri K.L. Das, Deputy Registrar, Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066.

Done
28/8/14

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28/8/2014

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CENTRAL INFORMATION COMMISSION
Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/SS/A/2013/000719/KY

Appellant : Shri Madhusudan Pathak
O/o. theSupdt. (Preventive)
Preventive & Intelligence Cell,
Chhotisadari Road, Pratapgarh, Rajasthan

Public Authority : The CPIO
Dept. of Revenue, Room No. 267-D
North Block, New Delhi

Date of Hearing : 08.08.2014

Date of Decision : 08.08.2014

Presence:

Appellant : Absent
PIO : Sh. T K Satpathy, Under Secretary, & CPIO

FACTS:

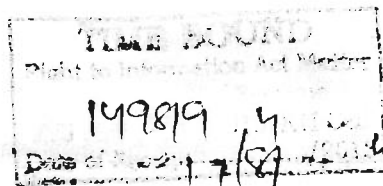
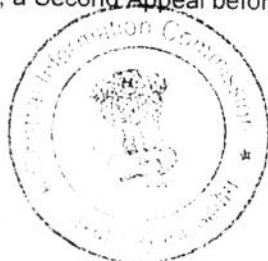
1. Vide RTI application dated 16.05.2011 the Appellant sought information on the **3 issues**.
2. CPIO, vide its response dated 09.06.2011 & 12.07.2011, allegedly not provided the information to the appellant.
3. The First Appeal (FA) was filed on 17.08.2011 as the desired information was not provided
4. First Appellate Authority (FAA), vide its order dated 21.09.2011, rejected the appeal as appeal was not filed within limitation period.
5. Grounds for the Second Appeal filed on 21.09.2012, are contained in the Memorandum of Appeal.

6. HEARING

Appellant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **16.05.2011**, sought information from the respondents on **three issues** as contained therein. Respondents vide their responses dated **09.06.2011 & 12.07.2011**, allegedly not provided the required information to the appellant on all three issues. Being aggrieved by the aforesaid response, FA was filed by the appellant on **17.08.2011** before the FAA, who vide his order dated **21.09.2011**, upheld the decision of CPIO. Hence, a **Second Appeal** before this Commission.



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2. It is pertinent to mention here that the CPIO, vide his first response dated **09.06.2011**, not provided the complete required information to the appellant against issue no. 1. However, against issue no. 3, the required information was **denied** to the appellant. Further, CPIO vide his subsequent response dated **12.07.2011**, **transferred** the appellant's RTI Application, against issue no. 2, to the concerned CPIO for necessary action. However, learned FAA, vide his order dated **21.09.2011**, **rejected** the FA on a technical ground i.e. as a **time barred**.

3. The Commission heard the submissions made by respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **16.05.2011**, respondent's responses dated **09.06.2011 & 12.07.2011**, FAA's order dated **21.09.2011** and also the grounds of memorandum of second appeal.

4. The Commission is of the considered view that the appellant has been provided the required information by the respondents against **issues no. 3 only** in terms of **Section 2(f) of the RTI Act 2005**. However, respondents **failed to provide** the required information to the appellant against **issues no. 1 & 2** of the RTI application dated **16.05.2011**. In view of this, the Commission feels that the appellant's second appeal deserves to be allowed partially i.e. **against issues no. 1 & 2** of the RTI application. Therefore, it is **allowed accordingly**.

5. In view of the above, the respondents are hereby directed to provide the **complete and categorical** information, **against issues no. 1 & 2 only**, to the appellant, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 be also invoked in the matter.**

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Copy of this Decision be given free of cost to the parties

Authenticated true copy

(K. L. Das)
Deputy Registrar

The CPIO
Dept. of Revenue, Room No. 267-D
North Block, New Delhi

Shri Madhusudan Pathak
O/o. the Supdt. (Preventive)
Preventive & Intelligence Cell,
Chhotisadari Road, Pratapgarh, Rajasthan