7. Appeals received by First Appellate Authority (RTI) under the RTI Act against the reply of CPIO

(April 2023 to March 2024)

Application Receivd	Application Disposed
02	02

(Dr. Himanshu Pandey)
First Appellate Authority

ACTION HISTORY OF RTI FIRST APPEAL No.CUOTS/A/E/23/00001

Applicant Name

Text of Appeal

FIRST APPEAL UNDER SECTION 19 OF RTI ACT 2005 To, The First APPELATE AUTHORITY Dr. Himanshu Pandey(Deputy Registrar) CIHTS .SARNATH U.P 221007. Name of Applicant Shri Krishna Mohan Communication Address D-4 MINT TOWNSHIP NOIDA SECTOR 1 PIN 201 301 Dear Sir, With reference to the response received vide letter no.- CIHTS/RTI/09/2022-23 Dated 13-07-2023 & vide reminder, letter no.- CIHTS/RTI/09(1)/2023-24 by the CPIO of The Institute against my application requesting to seek the information vide section 7 of RTI Act 2005 dated 29.06.2023 .Also, applicant's request cum acknowledgement letter dated 29-07-2023 for Suo - Motu disclosure under section 4 of RTI Act 2005 & again requested Suo - Motu disclosure to provide information under section 4 of RTI Act 2005 vide letter dated 2nd Aug 2023 to Deputy Registrar office and Hon'ble VC office of the Institute. Disheartened, I am compelled to do first appeal before you sir as, I, being applicant, am not satisfied by the information provided by the CPIO. Therefore, in this matter the applicant (Myself) am applying for first appeal under section 19 of RTI ACT 2005. 1- As in Point no 3 of the reply-Information provided by the CPIO vide letter dated 13-7-2023 regarding Information sought related to third party. So stated section 8 of RTI ACT 2005 cannot be disclosed as in point no 3. I am requesting to you Sir, kindly refer section 8 of RTI Act, and refer to clause related to Third party information. In light of above, CPIO has not provided any letter to applicant regarding third party objection submission in response letter. It appears that CPIO of the Institute has not followed due process of work under impression of preoccupied mind and that's also, on purpose. Also, please refer the clause related to Exemption from disclosure of information: I request that CPIO of the Institute to provide the grounds if he deemed the information coming under the domain of above 2 clauses i.e., Third party information and Exemption from disclosure of information. At the same time, it is found that in public domain of CIHTS website from 2022 to 2023 each individual question with the Institute reply has been published by name. Therefore, the answer provided by CPIO are itself contradicting in above condition. Henceforth, if statement is assumed to be true as third party information cannot be disclosed and same has been published on the Institute's website, shall be considered as invasion of privacy of third party. Please provide the reasons and circumstances of publishing this and please provide the rationale behind the manipulation of information on pick and choose basis, as in the accordance to the wishes of CPIO. please refer my enclosed document for providing information

Reply of Appeal

I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly disposed of. The details may be find in the attachment.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	FIRST APPEAL RECEIVED	12/08/2023		
2	APPEAL FORWARDED TO CONCERNED FIRST APPELLATE AUTHORITY	14/09/2023	Nodal Officer	Online
3	APPEAL DISPOSED OF	18/09/2023	FAA - Dr Himanshu Pandey	

Print

ACTION HISTORY OF RTI FIRST APPEAL No.CUOTS/A/E/23/00002

Applicant Name

Text of Appeal

Referring to RTI CUOTS/R/E/23/00004, dated 30/07/2023: I acknowledge the response provided to my RTI request and wish to share my perspective in light of the points raised: 1. Information Denial and Vigilance Enquiry: It is apparent that the requested information has not been furnished. This situation leads to concerns about transparency. My intention was to access specific information, and my statement did not imply any wrongdoing. To ensure accountability, I believe it's prudent to seek vigilance enquiries through authorized bodies like UGC, CBI, CAG, etc. 2. Case Law Reference - CBSE vs. Aditya Bandopadhyay: I understand that the case reference CBSE and Anr. Vs. Aditya Bandopadhyay and Ors. was mentioned in the response. I'd like to clarify that the reference made pertains to the obiter dicta of a different case, unrelated to my RTI. Furthermore, the "Rule of literal interpretation" doesn't align with my understanding that a significant proportion of public authorities' staff spends a considerable time on information-related tasks. 3. Contradiction in Approach and Formal Process: I've observed that while you are willing to provide all documents through an office visit, the decision not to furnish the same in the RTI reply raises concerns due to the inconsistency in approach. I am seeking clarity on this matter. While I appreciate the offer to provide information through an office visit, it's important to emphasize that my request is in line with the formal process outlined in the RTI Act. My primary goal is to receive information through the stipulated channels, ensuring a transparent and accountable process. Considering the above points, I kindly request a reconsideration of providing the complete and specific information I sought through my RTI request. I believe this can be accomplished without compromising the institution's efficiency. I value your cooperation in this matter, and I'm hopeful for a response that upholds principles of transparency and accountability.

Reply of Appeal

The order shall dispose of the Appeal filed by the Shri Ashok Kumar, bearing Registration No. CUOTS/A/E/23/00002 The details may be find in the attachment.

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	FIRST APPEAL RECEIVED	31/08/2023		
2	APPEAL FORWARDED TO CONCERNED FIRST APPELLATE AUTHORITY	14/09/2023	Nodal Officer	Online
3	APPEAL DISPOSED OF	30/09/2023	FAA - Dr Himanshu Pandey	

Print

IN THE MATTER OF

Appellant

Central Public Information Officer
Central Institute of Higher Tibetan Studies
Sarnath, Varanasi-221007

Respondent

ORDER

Date of RTI application	-	29.06.2023
Date of RTI reply by CPIO	-	13.07.2023
Follow up letter by CPIO	-	25.07.2023
Email by the Appellant to CPIO & Copy to FAA	-	26.07.2023
Reply of email by CPIO	-	03.08.2023
Email of Appellant to FAA & copy to CPIO	-	02.08.2023
Reply of email by the FAA in response of Appellant	-	25.08.2023
Email dated 26.07.23 & 02.08.2023 (inadvertently typed As 25th July & 3rd August respectively		
First Appeal by the Appellant	-	12.08.2023
Personal Hearing dated fixed on	-	08.09.2023
Appellant not attended the personal hearing on	-	08.09.2023

1. The order shall dispose of the appeal filed by the , bearing Registration No. CUOTS/A/E/23/00001
2. The appellant in his original RTI application dated 29.06.2023 had sought the following information:
   (a) certified copy of RTI information asked by Shri Surendra Kumar dated 19.04.2018, Advocate Shri Shrikant Chatarjee dated 11.09.2018, Shri Raja Ram dated 09.01.2019, and reply given by the Institute
   (b) Approved certified copy of minutes of Board of Governors from 2016 to 2019
   (c) Approved certified copy of minutes of Finance Committee from 2016 to 2019
   (d) Gazette or document or accreditation letter approved by UGC in r/o CIHTS
   (e) CIHTS complies all the rules of UGC in recruitment of teaching post yes or no
   (f) total number of student enrolled from 2020 to 2023 under different stream
   (g) No. of teaching faculty like Professor, Associate Prof, Assistant Prof, visiting Prof, Guest teacher
   (h) no. of thesis, research papers, general published in national or international paper by Professor & Assistant Professor from 2020-2023
   (i) total expenditure incurred to purchase allopathic medicine from 2020 to 2023 and recommended medical officer name
   (j) admission eligibility norms for different courses.
   (i) No. of intake student capacity from 2020 to 2023
3. It has been noted that CPIO vide his letter dated 13.07.2023 has replied through email and also sent speed post letter to the appellant.

   In the para 3 of the said letter dated 13.07.2023, CPIO has mentioned that the appellant has asked a number of information which is personal information of the third parties asked by Shri Surendra Kumar in 2018, Advocate Shri Shrikant Chatarjee in 2018 & Shri Raja Ram in 2019. The disclosure of personal information of third parties has no relationship to any public interest and such personal information is entitled to protection from unwarranted invasion under Section 8 of the RTI Act.

The appellant has also asked hypothetical information, and in this regard- CPIO has quoted the Hon'ble CIC Judgment Appeal No. CIC/SB/A/2016/001025/CBCE-8J dated 03.03.2017 ***"At the outset the Commission observed that under the provisions of RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions."***

The FAA upholds the contents/decision of the para 3 of CPIO letter dated 13.07.2023

4. In the para 4 of the letter dated 13.07.2023, the CPIO has mentioned that the desired information is not readily available at one place and is spread across several files and wings/sections. Manual collection/compiling of data/information from many old files/documents/wings/sections will take considerable time, manpower and disproportionately divert the available resources of the public authority. Your kind attention is drawn to the Chief Information Commission Decision CIC/NINSA/A/2017/183689-BJ dated 22.04.2019 in which the Commission has referred to the decision of the Hon'ble Supreme Court of India in CBSE and Anr. Vs. Aditya Bandopadhyay and Ors, SLP(C) No.7526/2009 wherein it was held as under:

"Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation doesn't want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under RTI Act and the pressure of the authorities under the RTI Act shouldn't lead to employees of public authorities of public authorities prioritizing 'information furnishing' at the cost of their normal and regular duties"

It has been noted that the information asked by the appellant is not available at single place and is available in different sections/wings of the Institute, such as – Registrar Office, Academic Section, IQAC, Accounts Section, Exam Section & Admission Committee/Cell. In fact, the desired information covers almost all the administration/academic sections of the Institute, and the collection of all the information will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing the information.

The FAA upholds the contents/decision of the para 4 of CPIO letter dated 13.07.2023

5. It has been noted that your RTI application contains number of information on different subjects with multiple queries, and the respondent / CPIO in his letter dated 13.07.2023 has quoted two relevant Hon'ble CIC Judgments:-

   (a) Chief Information Commission in T.K. Roy vs Department of Legal Affairs CIC/AT/A/2009/000802 held that provision of section 7(1) obligated an applicant to

restrict RTI Application to only one subject or one type of subject, which may have multiple facets. The Act does not entitle an applicant to include in one application queries on myriad subjects and then expects the PIO to dispatch each part of the multiple queries to the point where the information was known to be likely held.

(b) Similarly, in Wasi UI Haque vs UPSC CIC/WB/A/2008/01256 it was held that as per section 6(1) read with 7(1) of the Act, a request means that the question and answers must share an embroyic relationship, the genus of the application must be one and sub questions can constitute different species of the same genus

The FAA upholds the contents/decision of the para 5 of CPIO letter dated 13.07.2023

6. The total number of students enrolment from 2020 to 2023 is given below:
   Session 2020-21 - 524 students
   Session 2021-22 - 530 students
   Session 2022-23 - 522 students

7. No. of intake student capacity from 2020 to 2023 is give below:
   Session 2020-21 - 127 students
   Session 2021-22 - 151 students
   Session 2022-23 - 114 students

8. It has been noted that on the basis of the email exchanged between appellant, respondent and FAA (before filing of First Appeal on 12.08.2023), the respondent (CPIO) has replied to the appellant. This shows the transparent and lucid working culture of the Institute.

9. It has been noted that the appellant, in his appeal dated 12.08.2023, has not challenged the provisions of Sections 7(9) & 2(j) of the RTI Act, and request of the CPIO to visit the Institute for inspection of documents/records in accordance with the RTI Act, 2005. Rather, the appellant has attempted to get fresh information in his appeal dated 12.08.2023. The FAA is of the opinion that such a request in appeal is not permissible under the RTI Act and will result in expansion of scope of the original RTI application. In this regard, the Hon'ble CIC in its order in the matter of Shri Harish Prasad Divedi Vs. Bharat Petroleum Corporation Ltd (Case No. CIC/LS/A/2013/001477SS) observed the following:

   "7. Having heard the submission and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant".

   I find that the fresh information in this appeal do not warrant consideration at this stage.

10. This is to apprise that Varanasi has been witnessing a surge in dengue cases. This has affected the health condition of students and teachers in the Institute premises. In order to provide the timely help to students & teachers, the Institute has constituted a Committee under the chairmanship of the undersigned (Dy. Registrar & FAA). Copy of the notification enclosed. The District Administration, Varanasi is conducting a programme on **"Prevention and control of Communicable Diseases"** in the Institute on 15.09.2023 (copy of the notification enclosed for kind information). In addition to the routine work, undersigned is extremely busy in providing medical help to the needy students & teachers, and took 06 more days (30+06) in replying to the First Appeal, as stipulated in the RTI Act. Your kind attention is drawn to the para 2 of the Govt. of India, Ministry of Personnel, Public Grievances and Pension, DoPT OM No. 10/23/2007-IR dated 09.07.2007 **"If, in some exceptional cases, it is not possible to dispose**

off the appeal within 30 days, its disposal should not taken more than 45 days. In such cases, the appellate authority should record, in writing, the reason for not deciding the appeal within 30 days".

11. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly disposed of.

Encls: CIHTS Notification 29.08.2023 & 14.09.2023

Himanshu Pandey

(Dr. Himanshu Pandey)
Dy. Registrar & FAA

Copy to:

1. PS to VC for kind information of the Hon'ble VC
2. Registrar office for kind information of the Registrar
3. Nodal Officer (RTI)
4. CPIO, CIHTS

केन्द्रीय उच्च तिब्बती शिक्षा संस्थान

(मान्य विश्वविद्यालय)

सारनाथ, वाराणसी

के.उ.ति.शि.सं./कु.स./डेंगू महामारी /2023 - 3280 दिनांक 29.08.2023

अधिसूचना

संस्थान परिसर में डेंगू फैलने के कारण छात्रों और शिक्षकों के बीच बड़ी संख्या में डेंगू केस सामने आए हैं। इस मामले पर गम्भीरतापूर्वक किये गये विचारोपरान्त तथा सक्षमाधिकारी की स्वीकृति के अनुसार छात्रों की उचित देखभाल सुनिश्चित करने के लिए तथा समय पर निदान सुविधा, उपचार हेतु एवं छात्रों को समय पर अस्पताल पहुंचाने हेतु वाहन सुविधा उपलब्ध करने के लिए निम्नलिखित सदस्यों की एक समिति गठित की जाती है, जिसमें निम्नलिखित पदाधिकारी होंगे:-

1. डॉ. हिमांशु पाण्डेय, उपकुलसचिव	संयोजक
2. डॉ. प्रशान्त कुमार मौर्य, सहायक प्रोफेसर, अर्थशास्त्र	सदस्य
3. डॉ. सुशील कुमार, सहायक प्रोफेसर, हिन्दी	सदस्य
4. डॉ. दावा छेरिंग, सोवा रिग्पा विभाग	सदस्य
5. डॉ. दावा शेर्पा, सोवा रिग्पा विभाग	सदस्य

उक्त के संदर्भ में समस्त छात्रावास के वार्डनों से अनुरोध है कि बीमार छात्रों की जानकारी उपरोक्त समिति के सदस्यों को अविलम्ब सुनिश्चित करें।

इस क्रम में श्री तेनज़िन ल्हुडुप, अध्यक्ष, SWA और श्री कुंगा रिग्दज़िन, खजांची, MMC, संबंधित छात्रों को सहयोग प्रदान करेंगे।

कुलसचिव

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यार्थ :-

1. निजी सचिव, कुलपति, माननीय कुलपति महोदय के सूचनार्थ
2. समस्त गठित समिति के पदाधिकारीगण
3. उप कुलसचिव
4. सहायक कुलसचिव (प्रशासन-द्वितीय)
5. अनुभाग अधिकारी, वित्त अनुभाग
6. प्रभारी, अनुभाग, प्रशासन-प्रथम
7. प्रभारी, अनुरक्षण अनुभाग
8. प्रभारी, परीक्षा अनुभाग
9. संबंधित पत्रावली।

29/8/23

कुलसचिव

CENTRAL INSTITUTE OF HIGHER TIBETAN STUDIES
(Deemed University)
SARNATH, VARANASI

CIHTS/ADM/DENGUE/213/2023-

Sept 14, 2023

NOTIFICATION

Varanasi has been witnessing a surge in dengue cases. The health department and the Chief Medical Officer (CMO) Varanasi are on an alert and necessary arrangements for the prevention and control of Dengue are being made.

In the same context, the District Administration, Varanasi is conducting a programme on *"Prevention and Control of Communicable Disease"* on **15th September 2023 (3:00 pm)** at Athisha Hall of the Institute. **Dr. S. S. Kanaujiya (Dy. CMO)** along with his team shall conduct the program.

All the teaching, research and Non- teaching staffs along with the students are requested to take their seat in the Athisha Hall 15 min. before the commencement of program.

This bears the approval of Competent authority.

- Chief Medical Officer (CMO) Varanasi
- Dy. CMO, Varanasi
- Dr. Prateek Km. Singh, GDMO & Officer In-charge
- All the Teaching/Research/Non-Teaching staff members
- All the students of the Institute

(Dr. Sunita Chandra)
Registrar

Copy to:

1. P.S. (VC Office) for kind information of Hon'ble Vice Chancellor.
2. All the Deans/ HoDs/Unit/Wings Heads
3. I/c Library
4. Deputy Registrar (Admin-I)
5. Asst. Registrar (Admin- II)/ Asst. Registrar & In-charge (Exam)
6. I/c Maintenance Wing with remark to make necessary arrangement at Athisha Hall.
7. I/c Multi- media for coverage of the program.
8. All Notice Boards
9. Record File

14/9/23

(Dr. Sunita Chandra)
Registrar

IN THE MATTER OF

Appellant

Central Public Information Officer
Central Institute of Higher Tibetan Studies
Sarnath, Varanasi-221007

Respondent

ORDER

Date of RTI application	-	30.07.2023
Date of RTI reply by CPIO	-	22.08.2023
First Appeal by the Appellant	-	31.08.2023

A. The order shall dispose of the appeal filed by the , bearing Registration No. CUOTS/A/E/23/00002

B. The appellant in his original RTI application dated 30.07.2023 had sought the following information:

Q. 1. Please let us know the value of work done by Bajrang Associates in CUTS/CIHTS for civil repair, waterproofing, painting etc.

Reply has already been provided by the CPIO vide letter No. CIHTS/RTI/11/2023-24 dated 22.08.2023

Q.2. Who were the other bidders for each work order allotted to Bajrang Associates in past 10 years.

It has been noted that the RTI applicant has not asked for any tender documents (technical/financial) nor raised any objection on procedural process of the tenders. Rather than, the applicant is only interested in disclosure of the names of other bidders for each work allotted to M/s Bajrang Associates in past 10 years. Moreover, the complainant has not indicated as what is public interest in disclosure of only names of the other bidders.

This information relates to commercial confidence and also it is their personal information, the disclosure of which would harm the competitive position of the third party. Hence, the disclosure of the information sought for is exempted under Section 8 (1)(d) and 8 (1)(J) of the RTI Act.

Q.3. What was the value of each work order/purchase order given to Bajrang Associates or its nay sister concern in past 10 years.

As per RTI Act, 2005, only such information as is available and existing and held by the public authority or is under then control of the public authority can be provided. The desired information, as sought, is available in 103 pages. Hence, you are requested to send Rs 206(Rs.2x103pages=Rs.206/-) only by way of Demand Draft (DD) or Indian Postal Order (IPO) or cheque in favour of "The Registrar, C.I.H.T.S. Sarnath, Varanasi" or as per other provisions given in the RTI Act.

C. The appeal is accordingly disposed of.

30.9.23

(Dr. Himanshu Pandey)
Dy. Registrar & FAA

Copy to:

1. Shri Ashok Kumar, RTI Applicant
2. CPIO, CIHTS