

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/ECOMM/A/2023/611275**

Shri M G Devasahayam (Retd. IAS)

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,
Election Commission of India

...प्रतिवादीगण / Respondent

Date of Hearing : 19.03.2024

Date of Decision : 28.03.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 22.11.2022

PIO replied on : - -

First Appeal filed on : 27.12.2022

First Appellate Order on : - -

2ndAppeal/complaint received on : 01.03.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 22.11.2022 seeking information on following points:-

“A representation titled (quote) Compliance of EVM voting with basic and essential requirements of Democracy Principles and integrity and credibility of electronic voting and counting in Electoral Democracy-Posers thereof (unquote) was sent to the Election Commission via email on 2/5/2022 and was delivered in a hard copy on 5/5/2022 to the ECI office (the top page showing the receiving by ECI on 5-5-2022 is uploaded in the supporting document section).

Kindly provide the following information with regard to this representation-

1. Names and designations of persons to whom the representation was forwarded/ or shared.

2. Names of public authorities to whom the representation was forwarded/ or shared.

3. Details of any meeting held by the ECI where the issues raised in the representation were discussed indicating the following particulars -

a. Date of meetings

b. Names and designations of persons who attended

c. Copy of minutes/ deliberations of the meetings

4. Copy of all correspondence/ communication related to the representation.

5. Copy of all file notings related to the representation.

6. I would like to Inspect all the information and records held by the ECI regarding the action taken on the representation. Kindly let me know the date, time and venue for the inspection.”

Dissatisfied with the non-receipt of information received from the CPIO, the Appellant filed a First Appeal dated 27.12.2022 which was not adjudicated by the FAA as per available records.

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

Facts emerging in Course of Hearing:

Appellant: Ms. Amrita Johri- Authorised Representative of the Appellant.

Respondent: 1. Mr. Rakesh Kumar, US
2. Mr. Satish Kumar, ASO

The Authorised Representative of the Appellant stated that the relevant information has not been furnished by the PIO till date. She stated that the First Appeal was also not adjudicated upon by the FAA. She stated that the instant RTI Application has been filed online on the ECI portal and the question of not having received the RTI Application does not arise.

The Respondent stated that the instant RTI Application was not received in their office. He affirmed to furnish point-wise reply qua the instant RTI Application to the Appellant within 30 days.

Decision:

Commission, after perusal of case records and submissions made during hearing, expresses severe displeasure over the conduct of the then PIO in not having provided any reply to the RTI Application within the time frame stipulated under the RTI Act. Therefore, Commission directs the then PIO through the present PIO to furnish a written explanation for the gross violation of the provisions of the RTI. In doing so, if any other persons are also responsible for the omission, then the PIO shall serve a copy of this order on such other persons under intimation to the Commission and ensure that written submissions of all such concerned persons are sent to the Commission. **The said written submission of the then PIO along with submissions of other concerned persons, if any, should reach the Commission within 30 days from the date of receipt of this order.**

The present PIO will ensure service of this order to then PIO.

Now, Commission directs the concerned PIO examine the instant RTI Application and provide a point-wise reply with regards to the instant RTI Application, to the

Appellant, free of cost via speed post, within 30 days from the date of receipt of this order and accordingly compliance report to this effect be duly sent to the Commission by the PIO. **In doing so, PIO must make sure that information which is exempted from disclosure under RTI Act, 2005 must not be disclosed to the Appellant and same must be redacted under section 10 of the RTI Act, 2005 prior to the said disclosure.**

Appeal is disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil