

Online RTI Appeal Form Details

RTI Appeal Details :-

RTI Appeal Registration number	ECOIL/A/2019/60023
Public Authority	Electronics Corporation of India Ltd.

Personal Details of Appellant:-

Request Registration Number	ECOIL/R/2019/50041
Request Registration Date	17/06/2019
Name	Venkatesh Nayak
Gender	Male
Address	55A, 3rd Floor, Siddharth Chambers-1 , Kalu Sarai, New Delhi
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State	Delhi
Status	Urban
Educational Status	Literate
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Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	Refused access to Information Requested
CPIO of Public Authority approached	SRI RAMA SARAN PRASAD
CPIO's Order/Decision Number	Details not provided
CPIO's Order/Decision Date	

(Description of Information sought (upto 500 characters))

Prayer or Relief Sought
<p>Prayers:</p> <p>This Honourable Appellate Authority may be pleased to:</p> <ol style="list-style-type: none"> 1) admit this appeal after condoning the delay for reasons stated below and inquire into the matters raised herein, and 2) direct the CPIO to supply the information sought at Queries 3-8, 10 and 12-14, free of charge as is the right of this Appellant under Section 7(6) of the RTI Act, 2005. <p>Grounds:</p> <ol style="list-style-type: none"> 1) This Appellant has not received a signed copy of the decision of the CPIO on the instant RTI application. After waiting for more than 46 days from the date of disposal of the said RTI application for a signed reply, this appeal is being submitted based on the response uploaded on the RTI Online Facility. The delay in submitting this appeal is due to the failure of the CPIO to perform his statutory duty of sending a signed reply. Hence this delayed submission may please be condoned as per the proviso underlying Section 19(1) of the RTI Act,

- 2) The CPIO has opined that the information sought at Queries 3-6 is not readily available. It is hoped that such information is available now as more than 3.5 months have lapsed after the completion of the 2019 Elections. This information may please be supplied forthwith,
- 3) The CPIO has opined that the information sought at Queries 7 and 8 are exempted under Section 8(1)(j). This Appellant is not seeking any private information of the Engineers who participated in the coordination and supervision tasks relating to EVMs and VVPATs. The information sought is about their role as public functionaries who helped with the electoral process which is a public process. There is no scope for barring information about the performance of the public duties of such Engineers under Section 8(1)(j) of the Act,
- 4) The CPIO has opined that the User Manual for SLUs is exempt under Sections 8(1)(a) and 8(1)(d) without providing any reasoning. In a catena of decisions too numerous to be cited here, the Honourable Central Information Commission has ruled that a CPIO is duty bound to issue a speaking order explaining why certain information cannot be provided. Mechanical invoking of exemptions is not adequate for the purpose of Section 7(8) of the RTI Act,
- 5) The CPIO has merely stated that the patent applications for the VVPATs and SLUs are under process. This reply is in violation of the express requirement of Section 7(1) of the Act. A CPIO is required to either furnish the information on fee payment or reject it invoking the permissible exemptions. Even under Sections 11A and 145 the Patents Act, 1970 r/w Rules 24 and 27 of the Patents Rules, 2008, patent applications and the complete specifications of the invention must be made available to any member of the public. So the CPIO is duty bound to supply the said information under the RTI Act.
- 6) For reasons explained above, the reply of the CPIO deserves to be set aside. The balance information may please be provided free of charge as is the right of this Appellant under Section 7(6) of the RTI Act.

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Name	Venkatesh Nayak
Date of filing	17/09/2019
Public Authority	Electronics Corporation of India Ltd.
Status	RTI APPEAL RECEIVED
Date of action	17/09/2019
Nodal Officer Details :-	
Telephone Number	04027182202
Email Id	cpio@ecil.co.in

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