

CENTRAL INFORMATION COMMISSION

BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.274/ICPB/2006

F.No.PBA/06/231

January 10, 2007

In the matter of Right to Information Act, 2005 – Section 19

[Date of hearing 8.1.2007 at 11a.m.]

Appellant: Mr. Rajiv Gupta, Mumbai

Public authority: Directorate General of Foreign Trade, Zonal Office, Mumbai
Mr. Mr. Darshan Singh, CPIO
Mr. S.S. Sandhu Jt.DGFT & Appellate Authority

Present : Mr. Darshan Singh, Jt. DGFT – for respondent
Mr. Dharmarajan – for appellant.

FACTS:

By an application dated 20.2.06, the appellant has sought information from the CPIO of the Office of Directorate General of Foreign Trade, Mumbai, with reference to specific provisions in FTP and HBP. While seeking information on this provision, he has listed as many as 15 queries to clarify the point. The CPIO has furnished a detailed reply on 17.3.06 by providing reply to all the queries individually. The appellant not satisfied with this clarification filed his first appeal on 27.4.06. The appellate authority has passed its appellate order on 9.6.06 by further clarifying all points raised by the appellant in his 15 queries.

2. In spite of the fact that both the CPIO and the AA provided such an exhaustive reply, the appellant has preferred his second appeal before the Commission on 22.8.06. Comments were called from the office of DGFT. In their comments the DGFT has indicated that the main grievance of the appellant is not that the information has not been supplied. He is only questioning how policies are being implemented in Mumbai office. He is raising a lot of queries on the notification which is not possible for the implementing authorities to explain. The Zonal Directorate has clearly stated that legally speaking, the appellant should have approached the higher authorities i.e. the Director General or the Grievance Redressal Committee against the policies and procedures as being 'understood, incorporated and adopted by the CPIO or the first appellate authority'. Instead the

appellant has filed an appeal under the RTI Act. The office has clearly said that this is beyond the jurisdiction and ambit of RTI.

Decision

3. I have gone through the CPIO's reply, the appellate authority's reply as well as comments furnished by the DGFT Mumbai office. I fully agree with the stand taken by the CPIO and the AA. Though it was not necessary for the CPIO to provide any clarification to the queries raised by the appellant, the CPIO has provided such an exhaustive clarification. I find no merit in the appeal and hence dismiss the same.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Nisha Singh)
Joint Secretary & Addl. Registrar

Address of parties :

1. Shri S.S. Sandhu, Zonal Joint Director General of Foreign Trade & Appellate Authority, New CGO Buldg, New Marine Lines, Churchgate, Mumbai-400020.
2. Shri Darshan Singh, Jt. DGFT & CPIO, New CGO Buldg, New Marine Lines, Churchgate, Mumbai-400020.
3. Mr. Rajiv Gupta, A-1, Divyajyot CHS Ltd, Parsi Panchayat Road, R.K. Singh Marg, Opp. Old Nagardas Road, Andheri East, Mumbai – 400069