

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan
New Delhi – 110066

CIC/Temp/2008/001 dated 8-10-2008

Notice of Hearing

WHEREAS, Central Information Commission has received complaints from Shri Girish Chandra Mishra, Kanpur, Shri Sartaj Ahmad, New Delhi, Dr. Awadesh Mishra, Sultanpur (UP) and Shri Radhey Shyam, Banda (UP) wherein they have stated that their request for information under the RTI Act has not been responded to by Ms. Sonia Gandhi, MP, Shri Sahib Singh Chauhan, MLA, Smt. Sunita Sharma, Municipal Councillor, Shri Rahul Gandhi, MP;

2. AND WHEREAS, the Central Information has decided to hear above mentioned complaint petitions on 15.09.2008 at 4.00 p.m. with a view to decide whether the information sought by these applicants from public representatives mentioned above, can qualify as “information” sought under RTI Act, 2005 and if so, whether the public representatives from whom information is asked for, qualify as “public authorities”, and, as such, obliged to provide the information under the RTI Act;

3. AND WHEREAS, the Commission by an earlier Notification, published on the web site of the Commission, has notified that all interested parties, persons or organizations may, if they so desire, file, duly verified, written submissions so as to reach on or before 30th August, 2008 and in pursuance thereto, the Commission has received five such submissions;

4. AND WHEREAS, on 15.9.2008 the Commission heard Shri Prashant Bhushan, Advocate, Supreme Court of India, and Shri L.C. Singhi, the Registrar of the Commission, who were called upon to assist the Commission in arriving at a decision in regard to the aforesaid matter;

5. AND WHEREAS, during the course of hearing, it was submitted before the Commission that an elected public representative does not have an organized office and that if an elected representative is declared to be a public authority, what shall be the mechanism in regard to –

(i) receipt of RTI applications and RTI fee;

- (ii) dissemination of information to the citizens;
- (iii) appointment of the Public Information Officer and the First Appellate Authority

It was also submitted that it may not be practicable that every elected representative including a public representative at the Gram Panchayat level have an establishment to carry out such obligations, including obligations concerning pro-active disclosures contemplated under Section 4(1) of the Right to Information Act, 2005.

6. AND WHEREAS, the Commission after due consideration, is of the view that a further hearing is required for determination of the issues which, *inter-alia*, should also cover the following aspects:-

- (i) Whether an elected representative can carry out the obligations of a public authority under the Right to Information Act, 2005, if declared as public authority?
- (ii) If the elected representatives are not “public authorities” within the meaning of Section 2(h) of the Right to Information Act, 2005, how a citizen can access information, available with or held by such elected representatives under the Right to Information Act, 2005?

7. NOW, THEREFORE, it is notified for general information that all interested parties, persons or organizations may, if they so desire, file, duly verified submissions, before this Commission covering above aspects so as to reach on or before **7.11.2008**.

Dated the 08th day of October, 2008

(Pankaj K.P. Shreyaskar)
Joint Registrar

Copy forwarded to:

1. Shri P.K. Grover, Joint Secretary, Lok Sabha Secretariat, Parliament House Annexe, New Delhi.