**As prescribed under section 19(1) of Right To Information Act 2005**

**First Appeal before**

**Shri Alok Bhatnagar,**

Additional Secretary & Appellate Authority CVC

Satarkta Bhawan, Block ‘A’, GPO Complex, INA, New Delhi. **110023**

**Total Number of Pages Including Annexure : \_\_\_\_\_\_\_\_\_**

**February 16, 2012**

1. **Appellant Details** 
   1. **Name** : **Ritesh Singh**
   2. **Address :** D311, R. P. Hall,

IIT Kharagpur, Paschim Midnapur,

West Bengal – 721302

* 1. **BPL Category : NO**

1. **Particulars of CPIO**
   1. **Name : Rajiv Verma**
   2. **Designation : Under Secretary & Nodal CPIO, CVC**
   3. **Office Address :** Satarkta Bhawan, Block ‘A’

GPO Complex, INA,

New Delhi. 110023

1. **Reasons for First Appeal**

**CPIO denied to provide the information, and therefore AGGRIVED.**

1. **Chronological Order of Events**
   1. **RTI Application submitted on : 12-Jan-2012**
   2. **CPIO Decision of CPIO received on :**
   3. **First Appeal filed on : 16-Feb-2012**
2. **It is requested that This appeal be heard by VIDEO CONFERENCE**
3. **Particulars of RTI Application**
   1. **Speed Post No.** : **ED360895565IN**
   2. **Fee Details :** IPO No. **03F 372778**

Dated

Pay TO:

Payable at:

* 1. **Enclosed is the Copy of RTI Application & Proof of sending RTI Application in ANNEXURE - A**

1. **Particulars of CPIO Decision** 
   1. **Order No. : CVC/RTI/11/1915/1637 dt 02-Feb-2012**
   2. **Received by : Speed Post / Ordinary Post / Regd. Post**
   3. **Enclosed is the CPIO decision in ANNEXURE – B**
2. **Information Sought** 
   1. What mechanism/procedure has CVC adopted to determine if a complaint is motivated or vexatious
   2. As on date, since inception how many complaints received by the CVC or its CVOs have been found to be motivated or vexatious.
   3. Against how many of these complainants( with name and date):
      1. Departmental Action has been initiated.
      2. Criminal Prosecution has been taken.
      3. Action pending with reason.
      4. No action has been taken, with reason.
3. **Brief Facts Leading to First Appeal**

Application said above was submitted to above said CPIO on 12-Jan-2012, under RTI Act 2005. In his response dt 02-Feb-2012, **CPIO has not provided the requested information** but directed the applicant to refer to internet i.e. Website of CVC ( [www.cvc.nic.in](http://www.cvc.nic.in) ). Also, CPIO **cited section 2(f) of the RT ACT,** and a **decision of CIC in Case No “CIC/AT/A/2008/00396”** as deciding factors in support of denying the application. **CPIO measured the requested information as voluminous** and **cited section 7(9)** in support for denying the information.

1. **Relief Sought**
   1. **Provide the Information as requested within stipulated time.**
   2. **Furnish the requested facts/information in CVC website**
   3. **Recommend training to CPIO as per Section 19(8)(a)(v) of the RTI Act.**
   4. **If the appeal grounds are satisfactory to establish that CPIO has malafidely denied the requested information then please act as per Section 19(8)(c) of the RTI Act.**
   5. **In case CPIO fails to furnish the information then he should be directed to file an affidavit on NJ Stamp Paper giving the reasons thereof**
2. **Grounds of Appeal**
   1. **CPIO has directed to CVC website.** 
      1. **Whereas, the website does not contain the requested information.**
   2. **The requested information in Para 2(b) and 2(c) of the RTI Application are COUNTS OF vexatious complaints, COUNT OF actions taken, COUNT OF action initiated, COUNT OF criminal prosecution, COUNT OF action pending, and COUNT OF no action with reason.**
      1. **COUNT OF complaints is a SINGLE NUMERICAL VALUE and cannot be considered as voluminous.**
   3. **The information as desired is part of public domain as specified u/s. 2(f)**
      1. **By considering, the Public Interest on functioning of CVC, with respect to vexatious complaints, the requested information could be furnished as per Section 4(2) of the RTI Act.**
   4. **Section 7 (9) also specify that “An information shall ordinarily be provided in the form in which it is sought…..”.** 
      1. **CPIO has given his decision against this claiming that it would disproportionately divert the resources of PA.**
      2. **As per the “Collection of Statistics Act 1953”, statistics on complaints received can be maintained by statistics authority of CVC on directions from Central Government of India.**
3. **Verification by the Application**

**It is hereby declared that the information given above are true to the best of my knowledge and belief and based on facts given here in above.**

**Signature of Appellant**

**( Ritesh Singh )**

**Copy TO:**

1. **CPIO**

**Rajeev Verma**

NODAL CPIO, CVC, Satarkta Bhawan, Block ‘A’,

GPO Complex, INA, New Delhi. **110023**

1. **Registrar**

**CENTRAL INFORMATION COMMISSION**

II floor, August Kranti Bhavan, Bhikaji Kama Place, New Delhi – 110066

**Enclosure:**

1. **ANNEXURE - A: Copy of RTI Application & Proof of sending the Application ( Pages X to Y )**
2. **ANNEXURE – B: Copy of CPIO decision ( Pages X to Y )**