No. RTI-info/641/2014 Date: 15.12.2014

APPLICATION U/S 6(1) OF RIGHT TO INFORMATION ACT 2005

TO: The Central public information officer,
National Centre for Agricultural economics & Policy Research,
P.B - 11305, DPS marg, Pusa,
Library Avenue - New Delhi - 110012

(1) FULL NAME OF THE APPLICANT:

Ehtesham Qutubuddin Siddiqui

(2) ADDRESS: UT-32, Circle-10, Mumbai Central prison
Arthur Road, Mumbai - 400011, M.S.

(3) PARTICULARS OF THE INFORMATION REQUIRED:

(i) Subject matter of the information:

Publication, Diary etc.

(ii) The period to which information Relates:

2013-2015

(iii) Description of the information Required:

a. Kindly furnish the published copy of all books, Research reports, and other publications, published in year 2013 & 2014 with soft copy in CD/DVD. published by National Centre for Agricultural eco. & policy Research.

b. Kindly furnish the Diary-2015 & Calender-2015 of National Centre for Agricultural eco. & Policy Research.

c. Kindly furnish the Name & Designation of all staff working in National Centre for Agri. eco. & Policy Research.

(iv) whether the information is required by post or in person:-

By speed or Registered post.

(4) WHETHER THE APPLICANT IS BELOW POVERTY LINE?

Yes, Proof is the order of the Registrar (finance & budget), High court, Bombay, which declares the applicant under below poverty line category due to confinement in jail is annexed hereto marked as EXHIBIT-A (Page No. 2-4, read para 3 & 4). Hence no such fee shall be charged u/s 6(1), 7(1) & 7(5) of RTI Act 2005, and therefore all the information sought shall be provided in free of cost.

MUMBAI
15/12/14

SIGNATURE OF THE APPLICANT

आवश्यक कार्यवाही
5/1/15

EXHIBIT-A (2)

Before the Appellate Authority, Registrar (Finance & Budget),
High Court, Mumbai

R.T.I. E.A. NO. 180 OF 2011
R.I.A APPLICATION NO. 943 OF 2011
Under Section 19(1) Act, 2005

Ehtesham Qutubuddin Siddiqui ...Appellant

v/s.

Public Information Officer,
High Court, Bombay ...Respondent

Facts :

1. The Appellant claims to be an Under Trial Prisoner No.202 presently lodged in "Anda" cell, Central Prison, Arthur Road, Mumbai. He moved an application seeking information which can be reproduced as below :

a) Kindly furnish the True/certified copy of all documents related to Cri.Writ Petition No.1377/2008, alongwith Judicial enquiry report filed by Hon'ble Principal Judge, Mumbai.

b) Kindly furnish the copy of all Judgments of High Court Bombay delivered for the offence related to MCOCA 1999, of the period between 1999 to till date.

c) Kindly furnish the copy of all Judgments of High Court delivered regarding CDR(calls details record) of mobile phone.

2. The Public Information Officer by impugned communication dated 2nd December, 2011 rejected the application on the grounds that information sought for relates to Judicial functions and proceedings and therefore, exempted from disclosure under Rule 13(b) of Bombay High Court Right to Information(Revised) Rules, 2009, inter-alia, informed the Appellant that in view of voluminous record it would be practically difficult to supply the information as it would disproportionately divert the resources of public authority.

Dissatisfied with the said communication, Appellant has preferred the instant appeal.

3. Undoubtedly, Appellant is an under trial prisoner. He has a right to seek information under the Right to information Act. The Right to Information Act is silent on the point as to whether a convict or an under trial prisoner can be considered to be a person below poverty line; Nevertheless, it can definitely be construed that a convict or an under trial prisoner is a person who is below poverty line by resorting to clause(g) of Section 12 of the Legal Service Authorities Act,1987 which provides for a "legal service to a person who is in custody.....".

4. The proviso to Rule 5 of Section 7 of the Right to Information Act, 2005 also postulates and I quote " **provided that fees under Section 6(1) and Section 7(1) &(5) shall be reasonable and no such fee shall be charged on the person who are below poverty line**".
Rule (19) of the Bombay High Court Right to Information(Revised)Rules, 2009 provides "An applicant living below the poverty line shall, on production of a copy of the certificate issued by the Competent Authority alongwith the application, be provided the desired information and copies free of cost under these Rules.

5. Turning back to the information sought for at item No.3(iii)(a), the Appellant is entitled to seek certified copy of all the documents related to Criminal Writ Petition No.1377/08. The Public Information is directed to supply the information to the Appellant within 15 working days from the date of receipt of this order.

6. As regards Item No.(b)and(c), the Appellant has sought copies of all Judgments of High Court for the offence related to MCOCA for the period between 1999 till date and copies of all Judgments of High Court delivered regarding the call details record of Mobile Phone. The Appellant is not entitled to seek these informations for the reasons enumerated by Public Information Officer in Para 2 of the impugned communication. The Public Information Officer has rightly informed the Appellant that the aforesaid information can be had by taking search

and inspection of relevant record as per the procedure prescribed in the Bombay High Court, Original as well as Appellate Side Rules.

7. In view of the foregoing discussion the appeal is partly allowed to the extent as above.

8. The Public Information Officer is directed to supply the information sought for by the Appellant at Para 3(iii)(a) within a period mentioned hereinvabove.

9. The Appeal stands disposed of in terms of above.

The Appellant be informed accordingly.

Dated : 31st January, 2012

Registrar(Finance & Budget)
First Appellate Authority

Certified Copy
for P.I.O. High Court, Bombay