



## Online RTI Appeal Form Details

### RTI Appeal Details :-

RTI Appeal Registration number	DITEC/A/E/22/00140
Public Authority	Department of Electronics & Information Technology

### Personal Details of Appellant:-

Request Registration Number	DITEC/R/T/22/00282
Request Registration Date	13/06/2022
Name	Anushka Jain
Gender	Female
Address	I-1718, third floor , Chittaranjan Park, New Delhi
Country	India
State	
Status	Details not provided
Educational Status	Details not provided
Phone Number	Details not provided
Mobile Number	Details not provided
Email-ID	policy[at]internetfreedom[dot]in

### Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	Provided Incomplete,Misleading or False Information
CPIO of Public Authority approached	Dr. Gaurav Gupta (Cyber Law)
CPIO's Order/Decision Number	Details not provided
CPIO's Order/Decision Date	

(Description of Information sought (upto 500 characters))

<b>Prayer or Relief Sought</b>
<p>On 07/06/2022, the applicant filed a Right to Information application (the application) with DoT seeking information on the blocking of the website of VideoLAN[dot]org in India. On 13/06/2022, the application was transferred to MeitY. On 14/07/2022, the applicant received a single-line response from the Public Information Officer (PIO) stating that</p> <p>/No information is available with Ministry of Electronics and Information Technology\</p> <p>It is prayed that the response of the PIO is illegal and demonstrates non-application of mind due to the following reasons:</p> <ol style="list-style-type: none"><li>1. The information must ordinarily be maintained by MeitY</li></ol> <p>Under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, the Secretary, Department of Information Technology, can order for blocking for public access of any website or URL. Therefore, MeitY is the public authority which must ordinarily</p>

maintain such information.

2. The CPIO must justify the non-availability of data with the authority

Further, in the case of Union Of India vs Vishwas Bhamburkar on 13 September 2013, the Hon'ble Delhi High Court held that

// This can hardly be disputed that if certain information is available with a public authority, that information must necessarily be shared with the applicant under the Act unless such information is exempted from disclosure under one or more provisions of the Act. It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available... Therefore, whenever an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available. It is only in a case where despite a thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information. \\

3. The PIO has not transferred the application further under 6(3) of the RTI Act, 2005

It is further submitted that in case instant division of the Ministry or the Ministry itself does not maintain information in the application, the PIO must make efforts and transfer the application to such public authority/ies which maintain such information as sought in the application. The PIO has failed to do so, which is in contravention of the RTI Act, 2005.

Accordingly, it is prayed that the First Appellate Authority direct the PIO to search for the information and reply to the applicant; or transfer the application to a such public authority which might maintain the information sought.

It is also submitted that the applicant or their representatives can also appear before the First Appellate Authority for hearing.

**Supporting document** *(only pdf upto 1 MB)*

Supporting document not provided

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