

Online RTI Appeal Form Details

RTI Appeal Details :-

RTI Appeal Registration number	STAQC/A/2019/60013
Public Authority	Standardization, Testing and Quality Certification (STQC)

Personal Details of Appellant:-

Request Registration Number	STAQC/R/2019/50014
Request Registration Date	24/06/2019
Name	Venkatesh Nayak
Gender	Male
Address	55A, 3rd Floor , Siddharth Chambers-1, Kalu Sarai, New Delhi
Pincode	110016
Country	India
State	Delhi
Status	Urban
Educational Status	Literate
	Above Graduate
Phone Number	+91-9871050555
Mobile Number	+91-9871050555
Email-ID	venkateshnayak[dot]ss[at]gmail[dot]com

Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	Refused access to Information Requested
CPIO of Public Authority approached	Anil Kumar
CPIO's Order/Decision Number	Details not provided
CPIO's Order/Decision Date	

(Description of Information sought (upto 500 characters))

Prayer or Relief Sought
<p>Prayers:</p> <p>This Honourable Appellate Authority may be pleased to:</p> <p>1) admit this appeal and inquire into the matters raised herein, and</p> <p>2) direct the Central Public Information Officer (CPIO) to disclose all the information sought, free of charge, under Section 7(6) of the RTI Act.</p> <p>Grounds:</p> <p>1) The CPIO has invoked Section 8(1)(d) of the RTI Act to reject access to all information sought in the instant RTI application. That Section contains at least three grounds for refusing access to information, namely, that which is of commercial confidence or is in the nature of trade secrets or intellectual</p>

property rights. The CPIO has not specified which of these grounds is applicable. To hold that all of them are applicable would create an absurdity in the application of that exemption. The CPIO has also not explained whose competitive position will be harmed by disclosure. These are essential ingredients of a decision to reject an RTI application as per Section 7(8) of the RTI Act.

2) Further, in a catena of decisions, too numerous to be cited here, the Honourable Central Information Commission has ruled that a CPIO must issue a speaking order while rejecting an RTI application instead of cursorily and mechanically mentioning an exemption clause. The CPIO has failed to so do.

3) Further, all queries in the instant RTI application pertain to the information held or generated or compiled by or to the actions taken by this Public Authority for the purpose of conducting an audit of the software embedded in the Electronic Voting Machines and Voter Verified Paper Audit Trail units. This Appellant firmly believes, the instant RTI application does not seek any information about commercial confidence matters or trade secrets or intellectual property rights of any entity.

4) Further, the information sought pertains to EVMs and VVPATs which citizens of India including this Appellant were called upon by the President of India and the Election Commission of India to use during the recently concluded Lok Sabha elections. The principle of- public examinability, applies to all facts and figures related to and the processes and procedures put in place to ensure, the reliability of EVMs and VVPATs and the fidelity of their software used. This principle, reflected in the Preamble of the RTI Act, is a necessary ingredient of the trust that the electorate is expected to place in these machines. None of the information sought in the instant RTI application is available in the public domain.

Nothing in the decision of the CPIO indicates that he has applied his mind to these matters while arriving at his decision of rejection. Nor has he made any effort to balance the public interests favouring the disclosure of information based on the principle of- public examinability, outlined above, against the interests he has sought to protect while invoking Section 8(1)(d) of the RTI Act. Therefore his decision is bad in law and deserves to be set aside.

Supporting document *(only pdf upto 1 MB)*

[Print](#)[Close](#)