

ADMITTED NON COMPLIANCE BY AIR INDIA IN PETITION CIC/SS/A/2011/001247
REQUEST FOR STRICT ACTION AND TO ENSURE IMMEDIATE COMPLIANCE

Ms Sushma Singh ji
Honourable Central Information Commissioner
Central Information Commission
Room 305, "B" Wing
August Kranti Bhawan, Bhikaji Cama Place
New Delhi-110066

Re Letter No. CA/RTI/2011/ dated 13.01.2012 by Air India

Respected Madam

I am in receipt of copy of letter No. CA/RTI/2011 dated 13.01.2012 by CPIO at Air India addressed to your honour (copy also received by me on 19.01.2012) wherein Air India has intended not to comply with esteemed verdict dated 12.12.2011 by your honour in petition CIC/SS/A/2011/001247 on query-number (7) of my RTI petition i.e. "***List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector***".

Air India has now sought review of your verdict on this point. But firstly RTI Act does not have any provision of review of verdicts by Honourable Central Information Commission itself. Secondly exemptions under section 8(1)(d) and (j) of RTI Act tried to be again claimed in review, were discussed in length at time of hearing of the petition, and your honour after long deliberations had allowed providing of information in my favour.

Only remedy available with Air India was to challenge the CIC-verdict before an appropriate court to get a court-stay, which they have not done in the stipulated time-period.

It is a matter of utmost public interest where media-reports mention that the bigger aircraft was deployed to accommodate family-members and close relations of the then Union Civil Aviation Minister Prafull Patel, whose names are being tried to be hid under exemption-cover by Air India, a public-sector company working under Union Ministry for Civil Aviation. It is definitely a matter of impropriety rather of commercial confidence and/or personal information as claimed by CPIO, if the enclosed news-report is correct. A Union Minister has no right to run a public-sector undertaking like his private business-firm by making it dance to requirements of

his family-members and close relations. However if the news-report is wrong, providing information will rather clear position of all concerned including Air India and the concerned Union Minister. It is in interest of all including public-interest to reveal the sought information.

CPIO at Air India has deliberately avoided mention of directions given on query-number (2) of my RTI petition wherein Honourable Central Information Commission was kind enough to direct Air India name of the person/s responsible for the decision the name/designation of the official to whom the decision was communicated telephonically for compliance.

Review-petition of Air India may kindly be rejected to ensure providing information sought under query-numbers (2) and (7) of my RTI petition immediately as per esteemed directions of Honourable Central Information Commission. I also appeal for strict-most action against Air India for non-compliance on your esteemed verdict by imposing maximum penalty under section 20 of RTI Act, and by allowing exemplary compensation in my favour under section 19(8)(b) of RTI Act apart from recommending disciplinary action against the concerned once for deliberate non-compliance of CIC-verdict. It is prayed accordingly.

Humbly submitted



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

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19.01.2012

Speed Post



Smt. Sushma Singh
Hon'ble Information Commissioner
Central Information Commission
Room No. 305, 'B' Wing
August Kranti Bhawan
Bhikaji Kama Place
New Delhi 110066

CA/RTI/2011/

January 13, 2012

Sub: Shri Subhash Chandra Agarwal vs. Air India Ltd.

Sir,

Reference Central Information Commission communication dated 12th December, 2011 received by us on 5th January 2012 in the case F. No. CIC/SS/A/2011/001247 in respect of Shri Subhash Chandra Agarwal.

At the outset, it may be stated that Air India Limited has highest regards for the Hon'ble Commission and is committed to the cause of implementation of the Right to Information Act, 2005.

As regards point no. 7, 9 and 15 raised in the petition dated 26th March, 2011 of Shri Subhash Chandra Agarwal our parawise comments are as follows:

7. List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector.

Ans. It is submitted that the Company keeping in view its commercial interests follows the practice of not disclosing the travel particulars of its valued passengers, which are personal to them to any third party. Such information is available with us not only in a fiduciary relationship but also amounts to invasion on the privacy of an individual. The information was therefore, denied in terms of Section 8(1) (d) and 8(1)(j) of the RTI Act, 2005.

In view of the severe competitive market, we request the Hon'ble Commission to review the decision on this particular point.

9. Aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector.

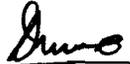
Ans. The type of aircraft substituted is A319.

15. File-notings on movement to this RTI petition as well.

Ans. Copy of file-notings on movement of this RTI application is **attached**.

Thanking you,

Yours faithfully,
For Air India Limited,


(S.K. Kundra)
CPIO & ED (Legal)

Encl: As above

cc: Shri Subhash Chandra Agarwal, 1775, Kucha Lattushah, Dariba, Chandni Chowk, Delhi 110006

**CPIO & ED (SR)
Air India Limited
Airlines House,
Meenambakkam
Chennai 600027
Tele: 044-25561070
Fax: 044-22560355**

CA/RTI/2011/755

March 29, 2011

**Sub: Request for Information sought under the Right to Information
Act 2005 – Shri Subhash Chandra Agrawal**

Attached please find an application dated 26th March 2011 of Shri Subhash Chandra Agrawal received by us on 28th March 2011 on the subject.

As the subject matter relates to Southern Region, it is requested that further necessary action in this regard may be taken at your end as per provisions of the RTI Act 2005.

Thanking you,

**Yours faithfully,
For National Aviation Company of India Limited,**



**(Bansi Lal)
AO (Pers)
For CPIO & ED (Legal)**

cc: Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah, Dariba, Chandni Chowk, Delhi 110006 (India) Mobile: 9810033711 - Further, correspondence with regard to your above application may be taken up with the addressee.

UNDER RIGHT TO INFORMATION ACT

Central Public Information Officer
National Aviation Company of India Limited (NACIL)
Airlines House, 113 Gurudwara Rakabganj Road
New Delhi-110001

7/5/10
25.04.2010
28.04.2010
C.D.S.O & E.D.C.S.O
Possible information commitments
in the matter
[Signature]

Sir

Please find enclosed news-report 'Air India rolls out big jet to please VIPs' (29.04.2010). I will be obliged if your honour provides complete and detailed information together with related documents/correspondence/file-notings etc on each of under-mentioned aspects:

1. Is it true that Air India deployed larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
2. If yes, complete file-notings/documents/correspondence etc on such of aircrafts as in query (1) above
3. Number of times when larger aircrafts replaced the scheduled ones on Bangalore-Male-Bangalore routes for flights IC-965 and 966 in the year 2010, mentioning also, dates of change giving reasons
4. Rules about such change in aircrafts other than the scheduled ones operating normally at some sector
5. Total capacity in Business Class and Economy Class in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
6. Capacity utilized in Business Class and Economy Class respectively in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
7. List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector
8. Routes from where Airbus A-320 were diverted to be operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector as also referred in enclosed news-report
9. Aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector
10. Was any communication received from Union Civil Ministry to deploy larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?

11. If yes, please provide copy of the said communication together with information on action taken on any such communication together with copies of all file-notings/documents/correspondence etc on the aspect
12. Is it true that it is quite usual that Union Civil Aviation Minister (especially Prafulla Patel) and/or his family-members put pressure on public-sector airlines for their own requirements as also referred in enclosed news-report?
13. If no, action taken by Air India and other concerned public-sector airlines to contradict news-report carried in enclosed news-clipping from Mail Today (29.04.2010)
14. Any other related information
15. File-notings on movement of this RTI petition as well

In case queries relate to some other public-authority, please transfer this RTI petition to CPIC there under section 6(3) of RTI Act. Postal-order number 92E 172669 for rupees ten is enclosed towards RTI fees in name of "Accounts Officer" as per DoPT circular No. F.10/9/2008-IR dated 05.12.2008.

Regards



SUBHASH CHANDRA AGRAWAL

(Ginness Record Holder & RTI Activist)

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DELHI 110006 (India)

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26.03.2011

Central Information Commission
Room No. 305 B-Wing, August Kranti Bhawan,
Bhikaji Kama Place, New Delhi - 110066
Tel No: 26167931

Case No. CIC/SS/A/2011/001247

Name of the Appellant : Shri Subhash Chandra Agrawal
(The Appellant was present)

Name of the Public Authority : Air India, Delhi.
Represented by Mr. Bansi Lal, Admn.
Officer and Mr. M. Jyothi Prakash, Airport
Manager.

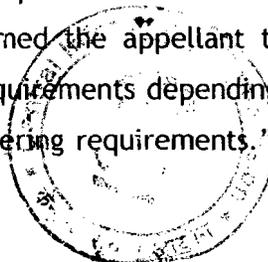
The matter was heard on : 3.11.2011 (Matter was reserved for
Order).

ORDER

Shri Subhash Chandra Agrawal, the Appellant filed an application dated 26.3.2011 under the provision of the RTI Act and while enclosing a news-report 'Air India rolls out big jet to please VIPs', sought information on 15 points. The appellant presses for information on point No. 2, 7, 9 & 15 of his RTI application.

On point No.1 of his RTI application the appellant sought to know whether it was true that Air India deployed a larger aircraft, Airbus A-320, than the scheduled one Airbus A-319 on 25.4.2010 for the Bangalore-Male flight IC-965 and also on 28.4.2010 for the Male-Bangalore IC-966 as referred to in the news-report that he enclosed with his RTI application. If the answer to point No.1 was in the affirmative on point No.2 of the RTI application, the appellant wanted the complete file notings/documents/correspondence etc. for scheduling such aircrafts as in query 1 above.

The PIO had replied in the affirmative to point No.1 of the RTI application. Clubbing the points 2 & 4, the PIO had informed the appellant that "change of aircraft is done at times based on commercial requirements depending on the booked load/demand and also due to operational/engineering requirements." The appellant



has however not satisfied with this reply on point No.2 since his request for file notings/documents, has not been answered.

During the hearing the Respondents submit that there are no file notings on the matter, therefore there are no documents which can be provided to the appellant in reply to this query. The Respondent informed that the decision to switch aircrafts was taken by the Central Co-ordination Cell and the decision intimated telephonically to the concerned personnel. Under the circumstances the Commission hereby directs the Respondent CPIO to inform the appellant of the name of the persons/person responsible for the decision the name/designation of the official to whom the decision was communicated telephonically for compliance.

Referring to the contents of the news report wherein it was mentioned that the Air India deployed a larger aircraft to accommodate certain passengers, the appellant, on point No.7 of the RTI application, sought to know the list of VIP passengers in business class on flights IC-965 and 966 on 25.4.2010 and 28.4.2010 on Bangalore-Male-Bangalore sector. The CPIO has denied the information in terms of section 8(1) (d) and 8(1) (j) of the RTI Act on the grounds that the Company, keeping in view its commercial interests, follows the practice of not disclosing the travel particulars of its valued passengers which are personal to them to any third party and such information amounts to invasion of the privacy of an individual. However, in view of the facts and circumstances of the present case, the Commission deems it fit and appropriate in public interest to direct the CPIO to provide the list of business class passengers as requested by the appellant at point No.7 of the RTI application.

At point No.9 the appellant sought to know the aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.4.2010 and 28.4.2010 respectively on Bangalore-Male-Bangalore sector. The CPIO is hereby directed to inform the appellant the type of aircraft substituted. On point No. 15 the appellant wanted file notings on movement of his RTI application. This may be provided to the appellant.

The directions of the Commission are to be complied with within 10 days of receipt of this order.

The matter is disposed of with these directions

Sushma Singh
(Sushma Singh)
Information Commissioner
12.12.2011

Authenticated true copy

D. C. Singh
(D. C. Singh)
Dy. Registrar

Copy to:

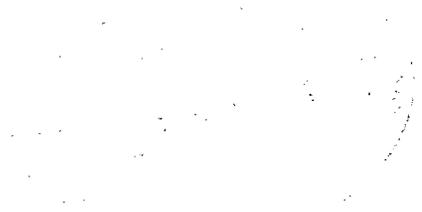
1. Shri Subhash Chandra Agrawal,
1775 Kucha Lattushah Dariba,
Chandani Chowk,
Delhi - 110006.
2. The C.P.I.O.
National Aviation Company of India Ltd.,
Airlines House,
113 Gurudwara Rakabganj Road,
New Delhi - 110001.
3. The First Appellate Authority,
National Aviation Company of India Ltd.,
Airlines House,
113 Gurudwara Rakabganj Road,
New Delhi - 110001.

CIC 53/A/2011/201207

BEFORE HONOURABLE CENTRAL INFORMATION COMMISSION
PETITION UNDER SECTION 19(3) OF RIGHT TO INFORMATION ACT

Petitioner

Subhash Chandra Agrawal
1775 Kucha Lattushah
Dariba, Chandni Chowk
Delhi-110006



Respondent

Dr. SK Kundra, ED (Legal)
Central Public Information Officer
National Aviation Company of India Limited (NACIL)
Airlines House, 113 Gurudwara Rakabganj Road
New Delhi-110001

&

Shri KM Unni, SBU Head MRO (Air Frame)
Appellate Authority under RTI Act
National Aviation Company of India Limited (NACIL)
Airlines House, 113 Gurudwara Rakabganj Road
New Delhi-110001

Brief Facts

I vide my RTI petition dated 26.03.2011 sought complete and detailed information together with related documents/correspondence/file-notings etc on each of under-mentioned aspects relating to news-report 'Air India rolls out big jet to please VIPs' (29.04.2010):

1. Is it true that Air India deployed larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
2. If yes, complete file-notings/documents correspondence etc on such of aircrafts as in query (1) above
3. Number of times when larger aircrafts replaced the scheduled ones on Bangalore-Male-Bangalore routes for flights IC-965 and 966 in the year 2010, mentioning also dates of change giving reasons.
4. Rules about such change in aircrafts other than the scheduled ones operating normally at same sector

5. Total capacity in Business Class and Economy Class in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
6. Capacity utilized in Business Class and Economy Class respectively in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
7. List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector
8. Routes from where Airbus A-320 were diverted to be operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector as also referred in enclosed news-report
9. Aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector
10. Was any communication received from Union Civil Ministry to deploy larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
11. If yes, please provide copy of the said communication together with information on action taken on any such communication together with copies of all file-notings/documents/correspondence etc on the aspect
12. Is it true that it is quite usual that Union Civil Aviation Minister (especially Prafulla Patel) and/or his family-members put pressure on public-sector airlines for their own requirements as also referred in enclosed news-report?
13. If no, action taken by Air India and other concerned public-sector airlines to contradict news-report carried in enclosed news-clipping from Mail Today (29.04.2010)
14. Any other related information
15. File-notings on movement of this RTI petition as well

Learned CPIO vide response CA/RTI/2011/755 dated 16.04.2011 gave an unsatisfactory reply, now required to be responded properly as required hereunder:

Query-number (2)

In order to evade proper reply to the query, it was unnecessarily clubbed with query number (4) I appeal that complete file-notings/documents/correspondence etc on deploying such aircrafts as in query (1) may kindly be provided but now free-of-cost under section 7(6) of RTI Act.

Query-number (3)

Reasons for change of aircrafts sought in my RTI petition **together with related documents/correspondence/file-notings etc on each of under-mentioned aspects** may kindly be directed to be provided as also requested in introductory paragraph of my RTI petition. Documents are now to be provided free-of-cost under section 7(6) of RTI Act.

Query-number (4)

I appeal that copy of complete rules about such change in aircrafts other than the scheduled ones operating normally at some sector may be provided rather than an eye-wash reply like was provided by CPIO perhaps in a bid to hide some irregularity

Query-number (7)

In present case where serious allegations of irregularities allegedly for convenience of family-members of the then Union Civil Aviation Minister are highlighted in media, public interest definitely overweighs exemptions claimed to deny information and documents in this query especially also when CPIO in subsequent query number (13) has admitted that such news-items were ignored and not contradicted. Attention is also invited to esteemed CIC-verdict dated 23.02.2011 in my earlier appeal numbers CIC/SS/A/2010/000931 and 933 where also Honourable Central Information Commissioner has allowed the appeal overruling exemptions claimed by Alliance Air on a similar matter of media-highlighted alleged impropriety concerning family-members of the same Union Minister. Section 8(1)(d) clearly stipulates that disclosure would be made if larger public interest warrants. It will be in larger public interest to reveal sought information because news-report mentions about daughter of the then Union Civil Aviation Minister to be the person whose name is being tried to be hid under exemption-cover by Air India, a public-sector company working under Union Ministry for Civil Aviation. It is definitely a matter of impropriety rather of commercial confidence as is claimed by CPIO, if the enclosed news-report is correct. A Union Minister has no right to run a public-sector undertaking like his private business-firm by making it dance to requirements of his family-members. However if the news-report is wrong, it will rather clear position of all concerned including Air India and the concerned Union Minister. Therefore it is in interest of all including public-interest to reveal the sought information.

Query-number (9)

I asked for name of aircraft rather than the route from which it was diverted. I appeal that the CPIO may kindly be directed to reveal name of aircraft which replaced Airbus-A320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector.

I filed my first Appeal on 27.04.2011 which was summarily dismissed by Appeal Order dated 09.05.2011. It is a common knowledge that Air India is in big losses because of it being run like family-business by some big bosses, causing national exchequer heavily for selfish interests of

Speed Post



Shri Subhash Chandra Agrawal
1775 Kucha Lattushah
Darba, Chandni Chowk
Dahli 110006 (India)
Mob. No. 9810033711

CA/RTI/Appeal/2010/272

May 9, 2011

Sub: Appeal filed under the Right to Information Act, 2005 – our Reference
No. CA/RTI/2010/755 dated 16th April, 2011

Sir,

Please refer to your appeal dated 27th April, 2011 on the subject.

I have examined your application dated 26th March 2011 filed under the RTI Act and reply of the CPIO vide Reference No. CA/RTI/2011/755 dated 16th April, 2011. It is observed as under:

Query No. 2, 3 & 4

It may be mentioned that Air India Limited is an airline functioning in a very competitive environment and in the commercial interest of the Company, change of aircraft is done at times based on commercial requirement depending on the booked load/demand and also due Operational/Engineering requirements.

Query No. 7

I am in agreement with the decision of the CPIO.

Query No. 9

CPIO has provided the Information as per provisions of the RTI Act, 2005.

Query No. 15

I have been advised by the CPIO that there is no other file notings other than those copy of which have already been provided to you.

By means of a copy of this letter, I am advising the CPIO to ensure that particulars of Appellate Authority are invariably provided in all cases. Inconvenience in this regard is regretted.

Thanking you,

Yours faithfully,
for Air India Limited,

(K.M. Unni)

Appellate Authority & SBU Head MRO (Air Frame)

FIRST APPEAL UNDER SECTION 19(1) OF RIGHT TO INFORMATION ACT

Appellate Authority under RTI Act

National Aviation Company of India Limited (NACIL)

Airlines House, 113 Gurudwara Rakabganj Road

New Delhi-110001

Sir

I vide my RTI petition dated 26.03.2011 sought complete and detailed information **together with related documents/correspondence/file-notings etc on each of under-mentioned aspects** relating to news-report 'Air India rolls out big jet to please VIPs' (29.04.2010):

1. Is it true that Air India deployed larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
2. If yes, complete file-notings/documents/correspondence etc on such of aircrafts as in query (1) above
3. Number of times when larger aircrafts replaced the scheduled ones on Bangalore-Male-Bangalore routes for flights IC-965 and 966 in the year 2010, mentioning also dates of change giving reasons
4. Rules about such change in aircrafts other than the scheduled ones operating normally at some sector
5. Total capacity in Business Class and Economy Class in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
6. Capacity utilized in Business Class and Economy Class respectively in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
7. List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector

8. Routes from where Airbus A-320 were diverted to be operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector as also referred in enclosed news-report
9. Aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector
10. Was any communication received from Union Civil Ministry to deploy larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
11. If yes, please provide copy of the said communication together with information on action taken on any such communication together with copies of all file-notings/documents/correspondence etc on the aspect
12. Is it true that it is quite usual that Union Civil Aviation Minister (especially Prafulla Patel) and/or his family-members put pressure on public-sector airlines for their own requirements as also referred in enclosed news-report?
13. If no, action taken by Air India and other concerned public-sector airlines to contradict news-report carried in enclosed news-clipping from Mail Today (29.04.2010)
14. Any other related information
15. File-notings on movement of this RTI petition as well

Learned CPIO vide response CA/RTI/2011/755 dated 16.04.2011 gave an unsatisfactory reply, now required to be responded properly as required hereunder:

Query-number (2)

In order to evade proper reply to the query, it was unnecessarily clubbed with query number (4). I appeal that complete file-notings/documents/correspondence etc on deploying such aircrafts as in query (1) may kindly be provided but now free-of-cost under section 7(6) of RTI Act.

Query-number (4)

I appeal that copy of complete rules about such change in aircrafts other than the scheduled ones operating normally at some sector may be provided rather than an eye-wash reply like was provided by CPIO perhaps in a bid to hide some irregularity

Query-number (3)

Reasons for change of aircrafts sought in my RTI petition **together with related documents/correspondence/file-notings etc on each of under-mentioned aspects** may kindly be directed to be provided as also requested in introductory paragraph of my RTI petition. Documents are now to be provided free-of-cost under section 7(6) of RTI Act.

Query-number (7)

In present case where serious allegations of irregularities allegedly for convenience of family-members of the then Union Civil Aviation Minister are highlighted in media, public interest definitely overweighs exemptions claimed to deny information and documents in this query especially also when CPIO in subsequent query number (13) has admitted that such news-items were ignored and not contradicted. Attention is also invited to esteemed CIC-verdict dated 23.02.2011 in my earlier appeal numbers CIC/SS/A/2010/000931 and 933 where also Honourable Central Information Commissioner has allowed the appeal overruling exemptions claimed by Alliance Air on a similar matter of media-highlighted alleged impropriety concerning family-members of the same Union Minister. Section 8(1)(d) clearly stipulates that disclosure would be made if larger public interest warrants. It will be in larger public interest to reveal sought information because news-report mentions about daughter of the then Union Civil Aviation Minister to be the person whose name is being tried to be hid under exemption-cover by Air India, a public-sector company working under Union Ministry for Civil Aviation. It is definitely a matter of impropriety rather of commercial confidence as is claimed by CPIO, if the enclosed news-report is correct. A Union Minister has no right to run a public-sector undertaking like his private business-firm by making it dance to requirements of his family-members. However if the news-report is wrong, it will rather clear position of all concerned including Air India and the concerned Union Minister. Therefore it is in interest of all including public-interest to reveal the sought information.

Query-number (9)

I asked for name of aircraft rather than the route from which it was diverted. I appeal that the CPIO may kindly be directed to reveal name of aircraft which replaced Airbus-A320

which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector.

Query-number (15)

If there is no file-noting other than those endorsed on my RTI petition, it should be mentioned clearly. Or otherwise, file-notings on movement of my RTI petition may kindly be directed to be provided but now free-of-cost under section 7(6) of RTI Act.

While responding afresh to various queries of my RTI petition, learned CPIO may kindly be directed to refer to esteemed verdict by Honourable Mr Justice S Ravindra Bhatt of Delhi High Court in the matter "Bhagat Singh Vs. CIC (W.P.(C) No.3114/2007)" where it was held that Right to Information Act being a right based enactment is akin to a welfare measure and as such should receive liberal interpretation.

Learned CPIO has also not mentioned particulars of Appellate Authority etc as mandatory under section 7(8) of RTI Act. I reserve my right to appeal at Central Information Commission for sought information and documents apart from pleading for penalty under section 20 of RTI Act for obstruction of information apart from claiming compensation under section 19(8)(b) of RTI Act in case information is denied even after this appeal. It is prayed accordingly.

Humbly submitted



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RII Activist)

1775 Kucha Lattushah

Dariba, Chandni Chowk

DELHI 110006 (India)

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27.04.2011

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Counter No:1,OP-Code:P
To:AARTI ACT,113 RAQKAB 6
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Central Information Commission

Room No. 305, 2nd Floor, B-Wing,
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Bhikaji Kama Place
New Delhi

**Case No. CIC/SS/A/2010/000931 &
CIC/SS/A/2010/000933**

Name of Appellant : Sh. Subhash Chandra Agarwal
(The Appellant was present)

Name of Respondent : Alliance Air, Domestic Terminal, IGI Airport
Represented by Sh. Arun K. Goyal,
Company Secretary and Sh. Bansi Lal.
A.O.(Pers.)

The matter was heard on : 23.02.2011

ORDER

In the aforementioned two cases, a single RTI application and the same Respondents are involved, therefore, the Commission has decided to club both the cases and dispose of the matter in a single order.

In the present two cases, the only issue before the Commission is whether the name of the person making a request for a chartered flight can be withheld under the RTI Act. In brief the facts of the case are that in the month of April, 2010, there were news items in the newspapers reporting that a scheduled flight was aborted less than 12 hours before its departure to allow the aircraft to be deployed as a chartered flight. In this regard the Appellant, while seeking other information in connection with this incident sought the name of the person making the request for the chartered flight, as mentioned in the news report. The PIO denied this information under Section 8(1)(e) of the RTI Act. Aggrieved with the reply of the Respondent the Appellant has approached this Commission for disclosure of the name of the person making the request for the chartered flight.

Parties heard. The Respondent during the hearing submit that the name of the person requesting for the chartered flight cannot be disclosed under the RTI Act, as the sought for information includes commercial confidence the disclosure of which would harm their competitive

position. The Appellant, on the other hand, submits that no commercial confidence is involved in the disclosure of the sought for information and moreover even exempted information can be disclosed under sub-section 2 of the Section 8 of the RTI Act, if public interest in disclosure outweighs harm to the protected interests. He further submits that, as per the news reports, the scheduled flight was allegedly aborted before its departure to allow the aircraft to be deployed as a chartered flight for conveying some IPL players from Chandigarh to Chennai, in violation of Rules. During the proceedings of the hearing, parties point out some inadvertent errors in the previous case No. CIC/SS/C/2010/000427, to the effect that there is a wrong date in the order and also to the effect that it had been wrongly mentioned in the order that the PIO had failed to respond to the RTI application of Sh. Subhash Chander Agrawal, though in fact the PIO had responded.

After hearing the parties and on perusal of the relevant documents on file and also keeping in view the facts and circumstances of the present case, the Commission is of the view that public interest in disclosure of the sought for information outweighs the harm to the protected interest, as impropriety and favouritism in aborting the flight on the behest of an influential person/persons, in violation of the rules, has been alleged by the Appellant and in the news reports provided by him.

In view of the above, in the interest of transparency and accountability, the PIO is hereby directed to disclose the name of the person/body/ organization making the request for the chartered flight and also provide a copy of the rules to the Appellant, permitting the authorities to accede to such a request, within 10 days of receipt of this order.

The inadvertent errors in the previous order dated 28.10.2010, in case No. CIC/SS/C/2010/000427 stands rectified to the effect that the matter was heard on 27.10.2010 and the PIO had responded to the RTI application of Shri Subhash Chandra Agarwal.

(Sushma Singh)

Information Commissioner

23.02.2011

Authenticated true copy:

(S.Padmanabha)

Under Secretary & Deputy Registrar

Speed Post



**Shri Subhash Chandra Agrawal
1775, Kucha Lattushah,
Dariba Chandni Chowk,
Delhi 110006
Mobile: 9810033711**

CA/RTI/2011/755

April 16, 2011

**Sub: Request for Information sought under the Right to Information Act
2005**

Please refer to your application dated 26th March 2011 received by us on 28th March 2011 on the subject. The requisite information/comments on the queries raised by you are given hereunder in seriatim:

1. Yes, Sir,
- 2.&4. Change of aircraft is done at times based on commercial requirements depending on the booked load/demand and also due operational/engineering requirements.
3. 5 times – on 25.4.2010, 28.4.2010, 27.5.2010, 08.07.2010 and 11.07.2010.
5. IC 965/25.04.2010 – J 20/Y 125
IC 966/25.04.2010 – J 20/Y 125

IC 965/28.04.2010 – J 20/Y 125
IC 966/28.04.2010 – J 20/Y 125
6. IC 965/25.04.2010 – J 20/Y 78
IC 966/25.04.2010 – J 20/Y 84

IC 965/28.04.2010 – J 20/Y 115
IC 966/28.04.2010 – J 20/Y 72
7. We have to state that the Company keeping in view its commercial interests follows the practice of not disclosing the travel particulars of its valued passengers, which are personal to them to any third party. Such information is available with us not only in a fiduciary relationship but also amounts to invasion on the privacy of an individual. The information is therefore, denied in terms of Section 8(1) (d) and 8(1) (j) of the RTI Act, 2005 unless the same is requisitioned by law enforcing or individual authorities.
8. Incoming aircraft IC 803 from Delhi operated IC 965/IC 966 on 25.04.2010 and IC 965/IC 966 on 28.04.2010 operated on Bangalore-Male-Bangalore sector.



- 2 -

9. Aircrafts deployed to replace Airbus A320 which we operated on flight IC 965/IC 966 on 25.04.2010 and 28.04.2010 respectively Bangalore-Male-Bangalore operated IC 505 to Delhi.
- 10.&11. No such communication was received from the Union Civil Ministry. As already stated change of aircraft is done at times based on commercial requirements depending on the booked load/demand and also due operational/engineering requirements.
12. No, as it is clear from para 3 of the news item itself.
13. No action was taken as Air India is not obliged to respond to each and every news item.
14. Nil.
15. Copy of your letter dated 26.03.2011 is **enclosed**.

Thanking you,

**Yours faithfully,
for National Aviation Company of India Limited,**

**(S.K. Kundra)
CPIO & ED (Legal)**

Encl: As above

**CPIO & ED (SR)
Air India Limited
Airlines House,
Meenabakkam
Chennai 600027
Tele: 044-25561070
Fax: 044-22560355**

CA/RTI/2011/755

March 29, 2011

**Sub: Request for Information sought under the Right to Information
Act 2005 – Shri Subhash Chandra Agrawal**

Attached please find an application dated 26th March 2011 of Shri Subhash Chandra Agrawal received by us on 28th March 2011 on the subject.

As the subject matter relates to Southern Region, it is requested that further necessary action in this regard may be taken at your end as per provisions of the RTI Act 2005.

Thanking you,

**Yours faithfully,
For National Aviation Company of India Limited,**



**(Bansi Lal)
AO (Pers)
For CPIO & ED (Legal)**

cc: Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah, Dariba, Chandni Chowk, Delhi 110006 (India) Mobile: 9810033711 - Further, correspondence with regard to your above application may be taken up with the addressee.

11. If yes, please provide copy of the said communication together with information on action taken on any such communication together with copies of all file-notings/documents/correspondence etc on the aspect
12. Is it true that it is quite usual that Union Civil Aviation Minister (especially Prafulla Patel) and/or his family-members put pressure on public-sector airlines for their own requirements as also referred in enclosed news-report?
13. If no, action taken by Air India and other concerned public-sector airlines to contradict news-report carried in enclosed news-clipping from Mail Today (29.04.2010)
14. Any other related information
15. File-notings on movement of this RTI petition as well

In case queries relate to some other public-authority, please transfer this RTI petition to CPIO there under section 6(3) of RTI Act. Postal-order number 92E 172669 for rupees ten is enclosed towards RTI fees in name of "Accounts Officer" as per DoPT circular No. F.10/9/2008-IR dated 05.12.2008.

Regards



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

1775 Kucha Lattushah

Dariba, Chandni Chowk

DELHI 110006 (India)

Mobile 9810033711 Fax 23254036

E-mail subhashmadhu@sify.com

Web www.subhashmadhu.com

26.03.2011



CPIO & ED (SR)
Air India Limited
Airlines House,
Meenabakkam Meenambakkam
Chennai 600027
Tele: 044-25561070
Fax: 044-22560355

CA/RTI/2011/755

March 29, 2011

Sub: Request for Information sought under the Right to Information Act 2005 – Shri Subhash Chandra Agrawal

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As the subject matter relates to Southern Region, it is requested that further necessary action in this regard may be taken at your end as per provisions of the RTI Act 2005.

Thanking you,

Yours faithfully,
For National Aviation Company of India Limited,

(Bansi Lal)
AO (Pers)
For CPIO & ED (Legal)

cc: Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah, Dariba, Chandni Chowk, Delhi 110006 (India) Mobile: 9810033711 - Further, correspondence with regard to your above application may be taken up with the addressee.

UNDER RIGHT TO INFORMATION ACT

Central Public Information Officer
National Aviation Company of India Limited (NACIL)
Airlines House, 113 Gurudwara Rakabganj Road
New Delhi-110001

Sir

Please find enclosed news-report 'Air India rolls out big jet to please VIPs' (29.04.2010). I will be obliged if your honour provides complete and detailed information together with related documents/correspondence/file-notings etc on each of under-mentioned aspects:

1. Is it true that Air India deployed larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?
2. If yes, complete file-notings/documents/correspondence etc on such of aircrafts as in query (1) above
3. Number of times when larger aircrafts replaced the scheduled ones on Bangalore-Male-Bangalore routes for flights IC-965 and 966 in the year 2010, mentioning also dates of change giving reasons
4. Rules about such change in aircrafts other than the scheduled ones operating normally at some sector
5. Total capacity in Business Class and Economy Class in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
6. Capacity utilized in Business Class and Economy Class respectively in Airbus A-320 on flights IC-965 and 966 respectively on 25.04.2010 and 28.04.2010 on Bangalore-Male-Bangalore sector
7. List of passengers in Business Class on flights IC-965 and 966 respectively on 25th April 2010 and 28th April 2010 on Bangalore-Male-Bangalore sector
8. Routes from where Airbus A-320 were diverted to be operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector as also referred in enclosed news-report
9. Aircrafts deployed to replace Airbus A-320 which were operated on flights IC-965 and 966 on 25.04.2010 and 28.04.2010 respectively on Bangalore-Male-Bangalore sector
10. Was any communication received from Union Civil Ministry to deploy larger aircraft Airbus A-320 than the scheduled one Airbus A-319 on 25th April 2010 for Bangalore-Male flight IC-965, and also on 28th April 2010 for Male-Bangalore IC-966 as also referred in enclosed news-report?

11. If yes, please provide copy of the said communication together with information on action taken on any such communication together with copies of all file-notings/documents/correspondence etc on the aspect
12. Is it true that it is quite usual that Union Civil Aviation Minister (especially Prafulla Patel) and/or his family-members put pressure on public-sector airlines for their own requirements as also referred in enclosed news-report?
13. If no, action taken by Air India and other concerned public-sector airlines to contradict news-report carried in enclosed news-clipping from Mail Today (29.04.2010)
14. Any other related information
15. File-notings on movement of this RTI petition as well

In case queries relate to some other public-authority, please transfer this RTI petition to CPIO there under section 6(3) of RTI Act. Postal-order number 92E 172669 for rupees ten is enclosed towards RTI fees in name of "Accounts Officer" as per DoPT circular No. F.10/9/2008-IR dated 05.12.2008.

Regards



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

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26.03.2011

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MAIL TODAY

E-PAPER

29-04-2010

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Air India rolls out big jet to please VIPs

By Ajmer Singh in New Delhi


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NATIONAL CARRIER Air India may be undergoing an austerity drive and financial restructuring after the Rs 7,200 crore loss it posted last year after its merger with Indian Airlines, but those rules apparently do not apply to civil aviation minister Praful Patel's family.

On April 25, a Sunday, Air India deployed a larger aircraft than the scheduled one just to ensure that Patels daughter Avni, her husband Prashant and her in-laws could all fly business class to Male, the capital of Maldives. This was allegedly done under pressure from the civil aviation ministry, a top Air India official told MAIL TODAY on condition of anonymity.

An Air India spokesperson, however, denied any pressure from the ministers family or the ministry, but admitted that the aircraft had indeed been changed due to "commercial considerations". For the regular Bangalore- Male flight IC- 965, Air India plies an Airbus A- 319, which has eight business class seats and 114 economy class seats. According to an Air India official, the load factor on this sector is not high, so it is commercially viable to fly this relatively small aircraft for an international route.

However, the Deshpande party consisted of seven members — Congress leader R. V. Deshpande, Radha Deshpande, Prasad Deshpande, Meghna Deshpande and Master Dhruv, in addition to Avni and her husband Prashant Deshpande. Since seven of the eight seats on that flight were already booked, the Deshpandes could not have been all accommodated in the business class.

Therefore, a larger aircraft — an Airbus A- 320 with 20 business and 125 economy class seats — was deployed for the April 25 Bangalore- Male flight so that the VIP family need not have had to change their travel plans.

The change in the aircraft resulted in 53 seats (six in business class and 47 in economy) going empty on the Bangalore- Male sector. The aircraft returned to Bangalore with 57 seats vacant.

The same story was repeated for the April 28 return Male- Bangalore flight IC- 966 when the Deshpandes were booked again into an A- 320. The aircraft took off for Male with 20 seats vacant and for the return journey — with the Deshpandes on board — 60 seats were empty (nine in business class and 51 in economy).

MAIL TODAY confirmed that on April 24 — the day before the Deshpandes flew — Air India had deployed an Airbus A- 319 on the Bangalore- Male sector.

An Air India spokesperson defended his companys decision saying, " The decision to change equipment was taken to provide more J class seats and earn more revenue. All other operating and cash costs remain the same. Air India also ensured there was no disruption." When asked if the aircraft has been changed on this route earlier or any other sector, the spokesperson said the equipment can be upgraded subject to commercial viability.

This is second instance of the civil aviation ministers daughters pressuring the beleaguered airline to change its schedule to fulfil their demands. Last Monday, Patels younger daughter and Indian Premier Leagues hospitality manager Poorna had allegedly demanded that Air India authorities cancel a scheduled Alliance Air flight (CD 7603, Delhi- Coimbatore) and convert it into a chartered one for an IPL team. The chartered flight LLR- 001 ferried the Chennai Super Kings team from Chandigarh to Chennai on April 20.

Such exceptions are made only during national emergencies when agencies such as the National Security Guard requisition an aircraft and disrupt flight schedules.

P. T. O.

Alliance Air, a subsidiary of Air India, had flown an empty aircraft from Delhi to Chandigarh where the team was waiting.

The players had reached Chandigarh after playing at Dharamsala in Himachal Pradesh.

The charter jet with the IPL team on board, flew to Chennai and returned empty to Delhi.

According to guidelines issued by the directorate general of civil aviation, scheduled operators cannot change approved flight schedules.

ajmer.singh@mailtoday.in