Central Information Commission
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066.

CIC/AA/A/2016/101
CICOM/A/2016/00100
CICOM/R/2016/00146

Name of the appellant : Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg, Wazir Nagar,
New Delhi-110003.

Date of hearing : 18th March, 2016.

Brief facts of the case :-

Shri R.K. Jain has filed first appeal No.16139 dated 26.02.2016, diarised in the Commission on 29.02.2016 and received in the office of FAA on 01.03.216 against the reply dated 05.02.2016 of Shri Y.K. Singhal, JS & CPIO, RTI Cell in response to his RTI application dated 27.01.2016. Appellant was present when Shri Y.K. Singhal, JS & CPIO, RTI Cell was also present.

Decision with reasons:-

2. In the RTI application, the appellant has sought following information:-

"(A) Please provide copies of all RTI application (except those belonging to the present applicant), received in CIC, during the years 2014 and 2015. Such information is required to be voluntarily disclosable under Section 4 of RTI, as per DoPT OM dated 15.04.2013.

(B) Please provide copies of the orders passed by the CPIOs of CIC on the RTI applications as referred to in point (A) above (except those belonging to the present applicant). Such information is required to be voluntarily to be disclosed under Section 4 of RTI Act, as per DoPT OM dated 15.04.2013."

Note:- (1) The above information was required to provide proactively disclosed on CIC website by 15.10.2013 as per para 1.4 of the guidelines contained in DoPT O.M. No.1/6/2011-IR, dated 15.04.2013 but has not been disclosed. Hence, this RTI application.

(2) RTI replies which are treated personal, it may be withheld by invoking Section 8 or Section 10 of RTI may be applied by passing speaking order in relation to each such replies so that applicant may exercise his right of appeal under Section 19 of RTI Act.

(3) CPIO had informed that the applicant that he is not maintaining separate files for RTI applications but the RTI applications and their replies are kept in year-wise folders and no notesheets for RTI applications are maintained. In view of this, information is readily available.

(4) If CPIO or CPIOs feels that providing the above information would disproportionately divert the resources of CIC, kindly provide inspection of folders.

(5) Enclosed find, a copy of CIC decision in case No.CPIO/OP/A/2009/000204-Ad, dated 12.01.2010 upholding disclosure of the information as sought by the Appellant herein."

Shri Y.K. Singhal, JS & CPIO, RTI Cell vide letter dated 05.02.2016 has responded that:-

Point No.	***Reply***
A & B	*You may refer to RTI Online portal for RTI applications and responses.*

3. During the hearing, the appellant stated that the information provided by the CPIO is incorrect and misleading information for causing obstruction to the information without any reasonable cause. The appellant further stated that the portal is not for public, therefore, the appellant cannot access the information and it is learnt that all the information sought by him is even otherwise not available on online portal for RTI applications and responses. The CPIO, Shri Y.K. Singhal has stated during the hearing that it is a voluminous task and he has no sufficient staff to engage. Moreover, the RTI-MIS software in which all the RTI applications and replies are being scanned is being monitored by the DoPT, therefore, the appellant should approach DoPT for the above mentioned information.

4. The appellant contested it and stated that the RTI-MIS software is password protected and since the CPIO, RTI Cell has the access to the password, he should provide the information available with him and moreover this is the delay tactics being adopted by the CPIO by stating that the appellant should approach DoPT. DoPT has no role in it as the information is available with the CPIO in the RTI-MIS software and only CPIO, RTI Cell has been provided the password of the same.

5. After hearing the arguments of the appellant and CPIO, RTI Cell, the FAA comes to the conclusion that the Commission may request the DoPT to make a provision in the RTI-MIS software to show all the RTI applications and their replies in a separate link in the CIC's website as provided a link for the decision of the First Appellate Authority. **Direction is accordingly given to Shri A.K. Gehlot, JS(MR) cum CPIO to take up the matter with the DoPT. He may also take the assistance of Shri P. Alfred, Sr. Tech. Director, NIC in this regard.**

6. The appeal is, therefore, disposed of accordingly.

5. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the CIC in Room No. 185, Ground Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.

Dated, the 9th May, 2016.

(Achla Sinha)
Additional Secretary & First Appellate Authority
Tele No : 011-26162290

Copy to :-

1. The CPIO, RTI Cell, CIC, New Delhi.
2. Shri A.K. Gehlot, JS(MR) cum CPIO, CIC, New Delhi.
3. Shri P. Alfred, Sr. Tech. Director, NIC.