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

CIC/AA/A/2017/117
CICOM/A/2017/00111
CICOM/R/2016/01510

Name of the appellant : Smt. Munni Devi,
Najibabad Road,
Kotdwar, Pauri Garhwal,
Uttarakhand – 246 149.

1.	Date of RTI application	05.11.2016
2.	1st Appeal date filed earlier by the appellant	15.12.2016
3.	FAA's Order date	04.01.2017
4.	CPIO(s) who complied with FAA's Order and date	CPIO, RTI Cell/05.01.2017
5.	Present 1st Appeal Date	28.01.2017
6.	Diary No. of 1st Appeal of the Dak Section	107267
7.	Diary date of the Dak Section	02.02.2017
8.	Date of receipt of present 1st Appeal in the office of FAA	10.04.2017
	Date of Decision	**12.04.2017**

Brief facts of the case:-

The appellant had filed a first appeal earlier, decision on which announced by FAA vide File No.CIC/AA/A/2016/402, CICOM/A/2016/00395, CICOMR/R/2016/01510 dated 04.01.2017 and direction was given therein to CPIO, RTI Cell to provide information on points 2 to 5 of the RTI application. The CPIO, RTI Cell had complied with the FAA's decision vide his letter dated 05.01.2017. Now, aggrieved with the information provided by the CPIO, the appellant has filed present appeal.

On points 2 to 5 of the RTI application dated 05.11.2016, the appellant had sought following information:-

"2) *If any person who is working under public authority refused to take RTI by hand and forced the applicant to sent that RTI by registered post, what action can be taken against that employee and who is the competent authority for that.*

3) *If any RTI, which do not have date and signature on it but was send by registered post and has name on it of applicant, can be rejected on these two grounds or any of them.*

4) *Does date and signature are necessary on the RTI to get information under RTI act 2005.*

P.T.O.

5) *Please provide all possible grounds under which any RTI application can be rejected by the PIO or APIO or any other authority."*

In compliance to the FAA's decision dated 04.01.2017, CPIO, RTI Cell has informed the appellant that no such information is available other than that is available in RTI Act, 2005 & RTI Rules, 2012 which are already available in public domain and also advised to go through the RTI Portal of the Department of Personnel & Training (DoPT), the Nodal Ministry on implementation of RTI Act, 2005.

Decision with reasons:-

3. From the perusal of the RTI application, reply of the CPIO and appeal, it is observed that the information furnished by the CPIO is appropriate, as the appellant has sought advice of the CPIO in her RTI application. In this regard, it is to be mentioned that as per DoPT OM No.1/18/2011-IR dated 16th September, 2011 which states that:-

> *".....The reference to 'opinion' or 'advice' in the definition of 'information' in Section 2(f) of the Act, only refers to such material available in the record of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."*

4. The appeal is, therefore, disposed off.

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

Dated the 12th April, 2017

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.

13/4/17