

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

CIC/AA/A/2017/219
CICOM/A/2017/00212
CICOM/R/2017/00736

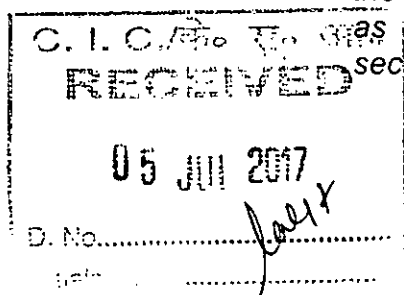
Name of the appellant : Shri Ashok U Manikoth,
"Vishwas", 39/187A, Bhat Road,
Kozhikode – 673 005,
Kerala.

1.	Date of RTI application	06.06.2017
2.	Date of reply of the RTI application	16.06.2017
3.	CPIO(s) who furnished reply	CPIO, RTI Cell
4.	1 st Appeal Date	23.06.2017
5.	Diary No. of 1 st Appeal of the Dak Section	144487
6.	Diary date of the Dak Section	30.06.2017
7.	Date of receipt of 1 st Appeal in the office of FAA	03.07.2017
8.	Date of Decision	04.07.2017

Brief facts of the case:-

In the RTI application, the appellant has sought following information with reference to Section 20(1) of the RTI Act:-

- "1) As per the RTI Act, is it **mandatory**, or is it **optional**, for the CIC to impose the above fine on the CPIO in each case where one of the above lacunae is noticed in his/her functioning? In other words, does the CIC have discretionary powers to decide whether to impose the fine or not? Please note that the wording of the Act states that "**it shall impose a penalty**", which makes it mandatory. Please provide correct information on this specific aspect. If however the information from the CIC is that it is optional, please provide the particular section of the RTI Act which allows the CIC to impose the fine at its option. I want detailed information on this aspect as the CIC is the apex body as per the RTI Act to decide on its implementation, as also impose the fine.
- 2) In view of the above section 20 of the RTI Act, it is incumbent on the CIC to specify in each and every case whether in its opinion the lacuna in the functioning of the CPIO that led to a second appeal/complaint being filed before the CIC, was with or without reasonable cause. Please inform whether in each and every order that the CIC issues, this aspect is being commented upon by the CIC, which will also decide whether the mandatory fine has to be imposed or not on the CPIO. If the CIC is not commenting on this aspect, please provide information as to why it is not doing so, in view of the mandatory nature of this section."



Decision with reasons:-

2. On perusal of the RTI application, reply of the CPIO and appeal, it is observed that the appellant has sought clarifications and made queries on the provisions in the RTI Act. The CPIO has rightly mentioned him to refer RTI Act and RTI Rules, which are available in the public domain. The CPIO is not competent to interpret or to make any observation on the provisions of the said Act and Rules.
3. The appeal is, therefore, disposed off.
4. 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, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.

Dated the 4th July, 2017

(Rakesh Kumar Singh)

Additional Secretary & First Appellate Authority

Tel: 26162290

Copy to:-

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

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5/07/17

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