

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

CIC/AA/A/2017/237
CICOM/A/2017/00230
CICOM/R/2017/00832

Name of the appellant : Shri Shiv Om Prakash,
C-302, Antriksh Appts,
Plot No.26, Sector-4,
Dwarka,
New Delhi – 110 078.

1.	Date of RTI application	03.07.2017
2.	Date of reply of the RTI application	14.07.2017
3.	CPIO(s) who furnished reply	CPIO cum DO to IC(DP)
4.	1 st Appeal Date	24.07.2017
5.	Diary No. of 1 st Appeal of the Dak Section	152233
6.	Diary date of the Dak Section	27.07.2017
7.	Date of receipt of 1 st Appeal in the office of FAA	28.07.2017
8.	Date of Decision	02.08.2017

Brief facts of the case:-

In the RTI application, the appellant has sought 5 points information in respect of his complaints filed against non-compliance of CIC's Decision No.CIC/RM/A/2014/003976/SD dt. 28.07.2016 and No.CIC/RM/A/2014/004062/SD dt. 28.07.2016.

2. The information provided by Shri H.P. Sen, CPIO cum DO to IC(DP) vide letter dated 14.07.2017 is as under:-

- "a) No action has been taken against the CPIOs/Public Authorities. The direction given in the decision in both cases are mainly advisory type and does not come under Section 2(f) of the RTI Act.
- b) No specific information has been sought. The questions asked are hypothetical and futuristic.
- c) No such mechanism is available.
- d) No such order addressed to the Head of the Ministry for contempt of the commission is available in this Registry.
- e) No such proposal has been taken up with DoPT by this Registry.

3. In the appeal, the appellant has stated that:-

"In both the CIC decisions, the efforts of the appellant were appreciated by IC and directions were given to Public Authorities (PA) to ensure implementation of public disclosures in real time. But despite several subsequent complaints to commission, no action has been taken against the PAs. The appellant is mainly interested to know whether the commission's responsibility is over with the decision or it has some mechanism to deal with such open defiance of orders by PA in appropriate instances."

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P.T.O.

The Appellate Authority is request to consider the appeal in the larger public interest and ensure implementation of the two said CIC Decisions by the CPIO/Public Authority or provide the policy mechanism of the Central Information Commission as a whole and not of a particular IC's registry to ensure implementation of commission's orders by the CPIO/Public Authority. Alternatively, a compliance hearing may be held by the commission and those found disobeying the orders, contempt action may be initiated against them either with the Court or with the concerned Ministry with further follow up, so that sanctity of the Commission's Orders is maintained."

Decision with reasons:-

4. On perusal of the RTI application, reply of the CPIO and appeal, it is observed that CPIO has provided point-wise factual and available information to the appellant. Therefore, no interference is required.

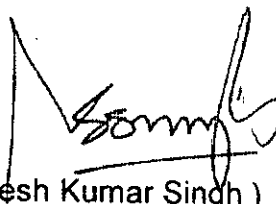
5. As regards evolving of mechanism to ensure implementation of Commission's decisions, it is to be mentioned that such mechanism is already in place. For detailed information, in this regard, appellant may visit the following link:-

<http://cic.gov.in/sites/default/files/Circulars%20%26Noification/Non-compliance%20cases.pdf>

6. The appeal is, therefore, disposed off.

6. 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 2nd August, 2017



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

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A.S.
02/08/17
The CPIO, RTI Cell, CIC, New Delhi.