

**Central Information Commission**

Baba Gang Nath Marg,  
Munirka, New Delhi -110067.

File No. CIC/AA/A/20/10

CICOM/A/2019/00219

CICOM/R/2019/00831

**Name of the appellant:** Shri Omprakash Kashiram  
3/16, Amol Apartment,  
Waldhuni, Kalyan - 421301.

Date of RTI application	15.11.2019
Date of reply of the RTI application	05.12.2019
CPIO(s) who furnished reply	Sh. K.A.Talwar, CPIO
1 <sup>st</sup> Appeal Date	12.12.2019
Date of Decision	13.01.2020

Brief facts of the case:-

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

"Kindly provide me Dy. Registrar who is not part of Commission has not indicated name of public authority on return of second appeal. Dy. Registrar had returned second appeal four times without mentioned name of public authority which is compulsory for claim. Dy. Registrar has returned second appeal vide his letter No.150077/2019 dated 07.11.2019. There is corruption and irregularities in Central Information Commission for return of second appeals".

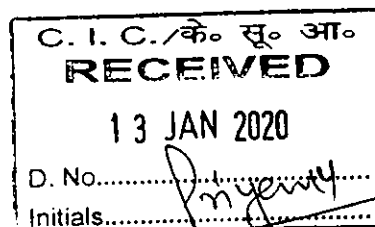
2. CPIO replied the RTI applicant as under:-

"I am to refer to your RTI application dated 15.11.2019 registered vide no. CICOM/R/2019/00831 dated 22.11.2019 received on 22.11.2019 from the CPIO (RTI Cell) with the request to provide requisite information directly to the Appellant. Accordingly point-wise reply is as under:-

O/C  
A. Opening Para:-

Under the RTI Act - 2005, undersigned has been appointed as the CPIO for all matters relating to Central Registry of CIC by Hon'ble Chief Information Commissioner. The office order issued from time to time are readily available under "Appellate Authority & CPIO's of the Commission" under "RTI in CIC" on home page of website of this Commission ([www.cic.gov.in](http://www.cic.gov.in)) Accordingly, I am supposed to provide only that information which is available on record and thus it is not imperative that I create information/record as per the

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desire of the appellant. As such, information/document along with the attestation etc by the rank of Commissioner cannot be provided, as these are not on the record accessible to undersigned CPIO.

B. Supplementary Para:

The appellant has sought the information in 48 hours probably invoking life and liberty clause as available under section 7(1) of RTI Act-2005. However, I find that the appellant has not attached any proof, which would confirm that his life and liberty was in danger. Hence, there is no liability to provide information within 48 hours, as demanded by the appellant. In this regard, reliance is held on decision in case No. CIC/WB/C/2006/00066 in the case of Shiv Shekar Singh & others Vs Prime Minister's office in which this Commission held that "*the application be accompanied with substantive evidence that a threat of life exists*". in the absence of providing any cogent proof, said clause is not allowed.

C. Point-wise Reply :-

1,3,8

It is not understood about which 'public authority' the appellant is referring to. No wherein the Facilitation Memo (Diary No. 150077/2019) dated 07.11.2019 there is any mentioning of 'public authority'. As such requisite information cannot be provided.

2,4,5,6,9,10,11,12

Reason/query/clarification dehors section 2(f) of RTI Act-2005, as such, no such information can be provided under RTI Act-2005, as it is not on record.

7.

The appellant is advised to refer to Para 3 of the Facilitation Memo (Diary No. 150077/2019) dated 07.11.2019 where in it has amply been mentioned about non-providing of name of the Dy. Registrar signing it. Furthermore seeking reasons dehors section 2(f) of RTI Act-2005.

3. RTI applicant filed First Appeal as under :-

"Information not provided by PIO, Chief Information Commissioner, New Delhi within 45 days for the period up to date of submission of RTI Application. The information may be provided as per the provision in RTI Act 2005. (b) Point No. 1 to 12 – No information has provided by the Information Commissioner. In this connection letter dated 11.12.2019 is enclosed with this appeal.(c) Shri Krishan Avatar Talwar, Dy Secretary is not part of Information Commission and he is continue issuing invalid letters which is violating Section 20 of RTI Act 2005 and Section 5(1) of RTI Act 2005. Shri Krishan Avtar Talwar is not part of commission and he is not among 11 commissioner of Central Information Commission. PIO is to be nominated among 11 commissioner of information commission which can fulfill the Section 2(h) of RTI Act 2005.(d) Rule 8 of RTI Rule is not applicable for autonomous body or commissions and Shri

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Krishan Avtar Talwar cannot be rejected second appeals for not enclosing reply of PIO/FAA. (e) The penalty may be imposed of Rs 250/- per day on PIO for delaying information and penalty of Rs 25000/- may be imposed on PIO for denied information. Information may be provided to bring Accountability and responsibilities of Chief Information Commissioner, New Delhi under the provision of RTI Act 2005. (f) Shri Krishan Avatar Talwar is not aware that rule 8 of RTI Rule 2012 is applicable for PIOs/FAAs of Central Government organization not for commissions. (g) The Chief Information Commissioner and other commissioner are to be worked as per the RTI Act 2005, and they are not working as per the RTI Act 2005 public can ask reasons for not work as per the RTI Act 2005. (h) Dy Registrar has returned numbers of second appeals without mention name of public authority in his letters which is irregularities and he is repeating return of second appeals without name of public authority mentioned in point No. 1 to 12 in RTI Application dated 15.11.2019".

4. CPIO, Sh. K.A.Talwar replied vide letter No. CICOM/R/2019/00831 dated 08.01.2020 mentioning that :-

"With reference to the aforementioned First Appeal filed on RTI application dated 15.11.2019 registered vide no. CICOM/R/2019/00831 on 22.11.2019 undersigned CPIO had duly responded on all of the **twelve Points** on **05.12.2019**.

Sh. Omprakash Kashiram, appellant in aforementioned first appeal has under 'grounds of appeal' at (a) specifically mentioned that he has not been provided with any information by PIO whereas fact of the case is that detailed reply was provided to him by the undersigned CPIO vide his communication dated **05.12.2019**. Furthermore it was timely uploaded on **06.12.2019** on the RTI-MIS portal (**Annexure-1**) but physical copy of the same were also duly dispatched to him vide Speed post consignment No. ED556908824IN on **06.12.2019**. As per the tracking report it was delivered to the appellant on **09.12.2019**(**Annexure-2**). As such, it is quite clear that the appellant is not speaking the truth when he is mentioning under (a) of 'Ground for appeal' that information not provided by PIO within 45 days for the period upto date of sub mission of RTI Application.

a. Factual position in this regard, as he himself mentioned against point (b)'Ground for appeal' of his aforementioned first appeal is that the appellant does not consider undersigned as a CPIO. It is despite of the fact that I had specifically mentioned against the '**Opening Para**' of reply dated **05.12.2019** that undersigned has been duly appointed as the CPIO by this Commission and office order in this regard issued from time to time are readily available under "Appellate Authority & CPIO's of the Commission" under "RTI in CIC" on home page of website of this Commission ([www.cic.gov.in](http://www.cic.gov.in)).

- b. However, according to the appellant, the RTI application is ought to be responded either by the CCIC himself or by any of the CICs. Like-wise when he files RTI application and first appeal before UPSC, he expects that the same is to be responded by the Chairman or members of the UPSC. He terms the replies provided by the CPIOs (including me) and that of the FAAs as **bogus, invalid, and unlawful**; and thus **do not consider them worth enclosing with his second appeals**. Due to this very reason, undersigned while acting as DR to CR-I had to return his separate **27** second appeals (**Annexure-3**) in the calendar year 2019 itself.
- c. While acting as DR to CR-I, it has also been observed that the appellant is habitual in filing second appeals. During the calendar year 2019 itself **75** number of second appeal (**Annexure-4**) filed by him has been registered by the undersigned.
- d. The appellant has also lodged a complaint against the undersigned CPIO for his various replies given on his RTI applications before Hon'ble CCIC. One such complaint is dated **18.11.2019**. It was initially diarized vide Dy. No. **156847** on **26.11.2019**. As it was a complaint as such, it was forwarded by me to the PPS to Hon'ble CCIC and subsequently it was forwarded to JS (Admn) vide e-office Dy. No. **19709** on **29.11.2019** (**Annexure**).
- e. Further, in his aforementioned first appeal, the appellant is raising issues which are not at all part of his RTI application under reference. As may be seen from (f) under 'Ground for appeal' he embossing upon the undersigned CPIO his own version of RTI Act-2005 by mentioning therein that Rule 8 of RTI Rules 2012 is not applicable to Commissions.
- f. In view of the above facts and circumstances, seeking information which apparently do not serve any larger public interest, compelling the CPIO to divert his time and energy from other important tasks of the registry to respond to his RTI application and subjecting him to mental agony while terming his replies as bogus, invalid and making other sort of allegations for none of his fault; as he has been appointed as CPIO not by his own choice but by the order issued by Admn Section with the approval of Hon'ble Chief Information Commissioner; and demanding imposition of penalty upon the CPIO despite of the fact that timely reply, that too within **13** days of receipt of the RTI application was provided; are some of the most unwarranted acts.
- g. Due to the above, the undersigned is unable to discharge his duties assigned to him in the capacity of DR to CR-1 and additionally that of DR to CR-II as valuable time is wasted in undertaking above fruitless exercise of returning second appeals and also responding to RTIs on the very same issue. As such, permission may kindly be accorded for

registering FIR against the appellant under section 186 of the Indian Penal Code (45 of 1860) for obstructing the public servant in discharge of his public functions.

- h. Accordingly, your kind intervention is humbly prayed for so that undersigned CPIO may be able to discharge his duties in a peaceful and cordial environment and thus can escape from the wrath of such an irresponsible RTI applicant who for the reasons best known to him is so skeptical and is not ready to accept any of the explanations and ground reality explained to him that too in black and white, time and again. However, any directions so accorded shall be duly complied with.

#### Decision

5. It is observed that point wise replies provided by Sh. Krishan Avtar Talwar, CPIO is factual and appropriate and no further intervention is required on the part of the FAA, in the matter.
6. The appeal is being disposed of accordingly.
7. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 13<sup>th</sup> January, 2020.



(Y. K. Singhal)

First Appellate Authority

Tel: 26162290

- Copy to:
1. CPIO, RTI Cell, CIC, New Delhi.
  2. Sh K.A.Talwar, CPIO,CIC, New Delhi.

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