Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/44
CICOM/A/E/20/00023
CICOM/R/E/2020/00080

Name of the Appellant: Smt. Durgesh Devi
3 IHS Colony,, Grain Godam Road,
Bajaria Sawai Madhopur,
Sawai Madhopur, Rajasthan. Pin – 322 001.

1.	Date of RTI application	31.01.2020
2.	Date of reply of the RTI application	05.02.2020
4.	CPIO (s) who furnished reply	Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.
3.	1st Appeal Date	06.02.2020
5.	Date of Decision	10.02.2020

Brief Facts of the case:-

1. In his online RTI application, the appellant asked for following information:

   a). Kya wife apne husband se sanbandhit financial, GPF, State Insurance, Retirement benefits, salary, gratuity, pension, commuitation, income details, bank account statement RTI act me le sakti hai, jiska husband se divorce nahi hua ho aur domestic violence ka case pending ho. Certified order provide karo.

   b). Kya wife husband ki property details, income details etc. RTI act se le sakti hai. Esse related certified order copy provide karo. Divorce nahi hua hai aur bigmy case husband ke against chal raha ho.

Reply of CPIO:-

2. In response to the RTI application Sh. T.B.J.S. Rajappa, CPIO, RTI Cell, CIC, New Delhi, vide his letter dated 04.02.2020 informed the appellant that:

   "No clarifications/comments can be offered under RTI Act. You may approach the concerned authority for clarifications.".

O/C

Ground of First Appeal:-

3. Aggrieved with reply furnished by the CPIO, the appellant filed First Appeal on following ground:

   "Provided incomplete. Misleading or False information. CPIO not provided a scanned copy or image of desirable information. As per application information is not provided by CPIO. Reply is incomplete because any scanned image. Pdf of order will not provided by CPIO. This information is related to life of liberty. I am deserted judicially

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separated women and Divorce is not granted at this time. Bigamy and domestic violence case pending at court. Please provide urgently information as per my application. Life and liberty regarding."

Comments of CPIO on First Appeal:

4. For Disposal of First Appeal, written comments of CPIO were asked by the FAA. The CPIO in his comments has submitted that:

> "Appellant sought clarifications regarding whether wife can seek information abut husband's salary, etc. Accordingly replied on 04.02.2020 as "No clarifications/comments can be offered under RTI Act. You may approach the concerned authority for clarifications.
>
> In general, the reply to appellant is attached in RTI portal to the RTI request reply. But, in this case, due to non-functioning of Scanner of RTI Cell, the reply could not be scanned and uploaded while replying online, and mention was made against Reply of Application as "Replied vide letter dated 04.02.2020. However, with the supply of another Scanner, these replies have now been uploaded onto AppsCom. The same is conveyed to appellant through email on 07.02.2020."

Decision with reasons:-

5. On perusal of the Appeal, RTI application and CPIO's reply it is observed that the reply given by the CPIO is factual and as per provision of the RTI Act, 2005. It is worth mentioning here that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to the hypothetical questions. In respect to the appellant's complain that the response from the CPIO was not received in attached pdf format, it is informed that the CPIO in his comments has clearly stated that due to non-functioning of Scanner of RTI Cell, the reply could not be scanned and uploaded while replying online to the appellant. But presently the same has now been uploaded onto AppsCom and it has also been mailed to the appellant on 07.02.2020. In light of the above, further intervention is not 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 – 110 067 against this order within 90 days.

Dated: February 10, 2020.

MBalimane
10/2/2020

(Smt. Meena Balimane Sharma)

First Appellate Authority

Tel: 26162290

Copy to:-

CPIO, RTI Cell, CIC, New Delhi.

Decd on 14/2/20
CMS