

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

CIC/AA/A/2020/64
CICOM/A/E/20/00034
CICOM/R/E/2020/00131

Name of the Appellant: Ms. Shubhi Mathur
D-1107, Fusion Homes, Noida Extension,
Pin – 201 009

1.	Date of RTI application	20.02.2020
2.	Date of reply of the RTI application	25.02.2020
4.	CPIO (s) who furnished reply	Sh. T. B. J. S. Rajapa, CPIO, RTI Cell.
3.	1 st Appeal Date	02.03.2020
5.	Date of Decision	04.03.2020

Brief Facts of the case:-

- The appellant, through his RTI application asked for following information:
“Please inform if a public authority should (or should not) charge fee (@Rs. 2 per page) for providing information under sub-section (4) of Section 4 and sub-sections (1) & (5) of Section 7 of BIS Act, 2005, if the information sought satisfies all of the following criteria:
a) The appellant has sought that the information be provided in soft copy through e-mail or through Online RTI portal (rtionline.gov.in), and
b) The information sought is not a priced publication, and
c) The information sought is already available with the public authority in soft copy.
Should the public authority still charge fee @ Rs. 2 per page.”

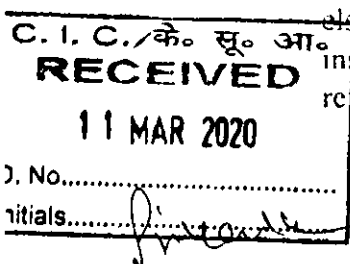
Reply of CPIO:-

- In response to the RTI application Sh. T. B. J. S. Rajapa, CPIO, RTI Cell, CIC informed the appellant that:
“No clarifications/comments can be provided under RTI Act. You may approach the concerned authority for clarifications.”

Ground of First Appeal:-

- Aggrieved with the reply sent by the CPIO, the appellant filed 1st appeal before the Commission by stating that:

“CPIO refused to provide any reply by saying that no comments/clarifications can be provided under RTI Act. I want to ask that if CIC is also behaving like this, then who else shall I go to for seeking a reply under RTI Act. If the very authority which was instituted to ensure compliance to the provisions of RTI Act starts engaging in blatant refusal or prevarication, then common citizen is left with no option but to sulk and



grieve over having born in India. First of all, CPIO has wrongly understood and interpreted the query raised in the RTI. I am seeking an answer to an objective question regarding which I could not find anything in RTI Act. I am not asking for his comment or clarification. The ambiguity which I found is being interpreted in different ways by different public authorities and leading to the unwarranted harassment of the common citizens. Also, CPIO has acted in brazen violation of sub-section (8) of Section (7) of BIS Act, 2005, as he has neither informed under which sub-section of Section (8) of BIS Act, 2005 he has denied information nor has he provided the details of the appellate authority. I request FAA to provide a categorical answer to my query raised in the RTI."

Decision with reasons:-

4. On perusal of the Appeal, RTI application and CPIO's reply 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 provide clarification or furnish replies to hypothetical questions. In his RTI application and First Appeal petition, the appellant himself has mentioned that he has asked for clear answer to the ambiguity of the Rule, which is being interpreted in different ways by different public authorities, and hence is not information available/existing.

In light of the above, the reply given by the CPIO is factual and as per provision of the RTI Act, 2005 and hence, further intervention is not required on the part of the FAA, in the matter.

5. The appeal is being disposed of accordingly.

6. 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: March 04, 2020.

M. Balimane
04/3/2020
(Smt. Mecna Balimane Sharma)

First Appellate Authority

Tel: 26162290

Copy to:-

CW
11/3/20 1. Sh. T. B. J. S. Rajapa, CPIO, RTI Cell, CIC, New Delhi.