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

CIC/AA/A/2020/
CICOM/A/E/20/00041
CICOM/R/E/20/00149

Name of the Appellant: Shri Gunaselvam V
Block – 4, Ground – H,
Shanthi Sagar Apartment,
2 Radha Krishnan Salai Valasaravakkam,
Chennai, Pin:600087

1.	Date of RTI application	24.02.2020
2.	Date of reply of the RTI application	02.03.2020
4.	CPIO (s) who furnished reply	ShriT B J S RAJAPPA,CPIO(RTI Cell)
3.	1st Appeal Date	09.03.2020
5.	Date of Decision	31.03.2020

Brief Facts of the case:-

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

(a). RTI applicant seek information in wrong /unavailable address like "*Name, Ramasamy street, near Tea stall, Chennai-600002*". PIO finds that address is incomplete. In that case can a PIO write to applicant to establish the proof of Indian Citizen with address? Is the action of PIO is correct.

(b). For a RTI application, PIO send a reply to pay an amount to provide information (like copying charges for 50 pages). RTI applicant without paying the amount approaches First appellate authority saying that he did not receive any reply or information from PIO and seek to provide the information free of cost. Appellate authority after verifying the file, confirm to pay the cost of information. The RTI applicant without paying the amount and with the intention to get it free of cost prefers second appeal to information commission. Information commission orders to provide the information free of cost. This is clear case of getting information without paying any amount by misusing the provision by saying simply any reply not received. PIO cannot send everything by Regd. post. Instead PIO produces proof of despatch of letter by stamp register, despatch register. Govt. money is wasted by this method as Information commissioner simply orders to give free of cost. RTI act does not say it should be sent only by registered post. Is there any compulsion to send reply only by Regd post to RTI applicant?

(c). What is the appeal provision available for to challenge the Information commission order by the RTI applicant.

(d). What is the appeal provision available for to challenge the Information commission order by the PIO.

Reply of CPIO:-

2. From your RTI application, it is appeared that you are seeking clarifications for query. No clarifications/comments can be provided under RTI Act,2005. However, no other information other than RTI Act 2005, and Rules 2012 which are already available on CIC website.

Ground of First Appeal:-

3. PIO of CIC commission simply says I am seeking clarification and raise doubt. The CIC commission is the trustful body of the nation to safeguard the Rights of Citizen in seeking Information under RTI. Saying just as clarification and doubt and disposing the petition as simple and elementary is not the spirit of such high esteemed body like CIC. Saying the lines in the RTI act may not be correct approach. Also PIO did not provide me the appellate authority details. Please go thru my first petition once again and provide information free of cost please.

Decision with reasons:-

4. On perusal of the Appeal, RTI application, reply by the CPIO, it is observed that the information provided by the CPIO is as per the provision of the RTI Act, 2005. It is pertinent to mention that a CPIO can provide only such information, which is available or under the control of the concerned public authority. Similarly, a CPIO cannot be expected to create or interpret information or reply to a hypothetical query.

In light of the above the information provided by the CPIO is as per the provision of the RTI act and hence, no further intervention is required in this matter 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 - 31.03.2020.

MBalimane
31/3/2020

(MeenaBalimane Sharma)
Addl. Secretary& First Appellate Authority
Tel: 26162290

Copy to:-

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