

Central Information Commission

Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/

CICOM/A/E/20/00052

CICOM/R/E/20/00185

Name of the Appellant: Shri Divyanshu Dwivedi
Nauka Tola, Near Hatti Ma Mandir,
Siswa Bazar,
Distt – Maharajganj – 273163

1.	Date of RTI application	14.03.2020
2.	Date of reply of the RTI application	Nil
3.	CPIO (s) who furnished reply	Sh T. B.J .S. Rajappa,CPIO (RTI Cell)
4.	1 st Appeal Date	14.04.2020
5.	First Appeal received in FAA's office	05.05.2020 (through online portal)
6.	Date of Decision	22.05.2020

Brief Facts of the case:-

1. The appellant, through his RTI application, asked for following information:
 - (1). *What is the application fee for file RTI under RTI act 2005.*
 - (2). *How much money can be asked for giving information by CPIO if a documents require 100 pages print out.*
 - (3). *How much money can be asked if applicant wants to get information in CD.*
 - (4). *If a CPIO asked for 20,000 INR for giving information, can applicant submit a written application to CIC If that matter concern with UP STATE GOVERNMENT.*

Reply of CPIO:-

2. In response to the above RTI application the CPIO, Sh. T.B.J .S. Rajappa, (RTI Cell), provided following information to the appellant:

Point 1-3: "Clarifications/answer for queries cannot provide under RTI Act, 2005. However, you may go through RTI Act, 2005 and RTI rules, 2012 available on public domain.

Point 4. Please note that jurisdiction of State Information commission and Central Information Commission is distinct & separate.

Ground of First Appeal:-

3. Aggrieved with the response, given by the CPIO, the appellant has filed first appeal, with a request to provide the information, as asked for through his above RTI application or

to transfer his RTI application under section 6(3) of RTI Act, 2005 to the concerned public authority, to whom the queries are concerned.

Decision with reasons:-

4. On perusal of the Appeal, RTI application and the reply given by the CPIO, it is observed that the appellant, against point No. 1 to 3 of his RTI application, has asked for information regarding the provisions of fee / additional fee structure under RTI Act, 2005. It is important to note that under Section 27(1) of RTI Act, 2005, the appropriate governments, by notification in the Official Gazette, make rules to carry out the provisions of this Act, in which the rules regarding fee payable under sub-section (1) of section 6 and the fee payable under sub-sections (1) and (5) of section 7 have also been included. Accordingly, 'The RTI Rules, 2012' for Central Public Authorities has been notified by the appropriate government (Central Government), which is available in public domain and on the website of Central Information Commission also. The appellant may go through these Rules and he may approach to the concerned appropriate state governments for the rules notified for states public authorities.

Against point No. 4 of the RTI application the appellant has asked for opinion of the CPIO on a hypothetical query. It is worth mentioning here that 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 furnished replies to the hypothetical questions.

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 – 25.05.2020

M. Balimane
25/5/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.