

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

CICOM/A/E/20/00070
CICOM/R/E/20/00227

Name of the Appellant: Sh. Adam HRW
E 210, Dattachaya,
MB Estate Near Kabutar Khana
Virar West – 401303.

1.	Date of RTI application	06.04.2020
2.	Date of reply of the RTI application	26.04.2020
4.	CPIO (s) who furnished reply	Nodal Officer
3.	1 st Appeal Date	28.05.2020
5	Date of Decision	05.06.2020

Brief Facts of the case:-

1. The Appellant, through his RTI applications, asked for following information:-
 - 1) Can application under the Right to Information Act, 2005 be given in Hindi language in all the states of India.
 - 2) Can any state of India refuse to apply in Hindi language under Right to Information Act, 2005.
 - 3) When an applicant applies in Hindi language under the Right to Information Act, 2005 in the government department of any district/state of India, should that department also reply to the application in Hindi language.
 - 4) When an applicant applies in English language under the Right to Information Act, 2005, in any government department of any district/state of India, should that department also reply to the application in English language.
 - 5) When an applicant applies in local language under the Right to Information Act, 2005, in any government department of any district/state of India, should that department also reply to the application in local language.
 - 6) In the state of Maharashtra, the application made by the applicant under the Right to Information Act, 2005 in Hindi or English in all government departments is also answered only in Marathi language. Is it correct to do so as per rules.
 - 7) Under the Right to Information Act, 2005, applicants can submit their application in any Indian language such as Hindi, English or any local language.

Reply of RTI.

2. In response to the above application of the appellant, the Nodal Officer, CIC informed the appellant that “questions/queries cannot be answered by CPIO under RTI Act. Since you are seeking clarifications, no information could be provided. RTI Act and Rules which are available in public domain including CIC website may be referred for relevant information in this regard”. The Nodal CPIO also returned the application back to Appellant.

Ground of First Appeal:-

3. Aggrieved with the reply, sent by the Nodal Officer, the appellant preferred First Appeal, complaining that the CPIO neither furnished any information nor has he transferred his RTI application to the concerned department u/s 6(3) of RTI Act, to whom the queries are concerned.

Decision with reasons:-

4. On perusal of the Appeal, RTI application and the reply given by the Nodal Officer, it is observed that the Appellant is asking for some queries/clarifications regarding RTI Act, and RTI Rules. It is pertinent to mention that as per the provision of section 2(f) of RTI Act, 2005, 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*. However, as has been informed by the Nodal Officer in his reply, the appellant may go through the RTI Act, 2005 and the RTI Rule, 2012, which are available in public domain and on the website of the Commission.

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 – 5th June, 2020.

MBalimane
05/6/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

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