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

CICOM/A/P/20/00105
CICOM/R/P/20/00375

Name of the Appellant: Shri Tushar Kanti
CH-16, Jhingurdah, NCL,
Singrauli. PIN – 486 889

1.	Date of RTI application	24.06.2020
2.	Date of receipt of RTI application in the Commission	19.08.2020
2.	Date of reply of the RTI application	15.09.2020
3.	CPIO (s) who furnished reply	Sh. Ram Kumar, CPIO, RTI Cell
4.	Date of receipt of First Appeal application in office of the FAA	17.11.2020
5.	Date of Decision	14.12.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, has asked for information on his queries related to facilities being provided for the "Senior Citizens" and "Person with Disabilities/PwD" for hearing in Central Information Commission/State Information Commission, considering the provisions under "Right of Persons with Disabilities Act-2016" in Point No. 1 to 7 of his RTI application, Point No. 8 & 9 of the RTI application is related to constitution of FULL BENCH and availability of IPO for the denomination of Rs.10 at Singrauli district of Madhya Pradesh, respectively.

2. Reply of CPIO.

In response to the above RTI Application the CPIO, Sh. Ram Kumar, CPIO, RTI Cell, through his letter dated 15.09.2020 (typed as7.9.2020) provided following point-wise information to the Appellant:

1. Point No. 1. No information is available.
2. Point No. 2 to 7 and 9 – Answer for queries can not be given under RTI Act, 2005 as it is not covered under definition of information as per section 2(f) of the RTI Act.
3. Point 8 – Sh. Krishan Avtar Talwar, CPIO, CR-1, has provided the information under section 5 (4) of the RTI Act. 2005 after taking assistance from Legal Cell of the Commission, that – "it is stated that sought for information does not exists".

3. Ground of First Appeal:

Aggrieved with the reply, given by the CPIO, the Appellant, has filed this First Appeal stating that:-

1. CPIO has denied access to information within the mandated period of time in respect of queries raised to get information.

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2. Every Central Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information u/s 5 (3) of the RTI Act, 2005. Hence, CPIO may be directed to comply with the Act.
3. Role of FAA is pivotal, it is expected that FAA should re-consider the transparency and developmental issues raised in my RTI application dated 24.06.2020 and dispose the case keeping in mind the "Preamble" of the RTI Act-2005 with a view to hold high the spirit of the Act.
4. I am really unsatisfied with the CPIO, CIC, New Delhi, for his/her lack of knowledge/understanding on the subject in which his/her day to day duties are assigned and I do believe that I have been given NO information/documents, as required under this Act.
5. In view of the position stated above, I prefer this Firs Appeal, u/s 19(1) of the RTI Act-2005, with a view to get the natural justice in the form of appropriate reply/documents from the FAA, without any further delay and free of charge.

4. Decision with reasons:

On perusal of Appeal, RTI Application and the reply sent by the CPIO, it is observed that the RTI application dated 24.06.2020 has been received in the Commission on 19th Aug. 2020 vide dairy no. 27608/19.08.2020 and the information has been sent to the Appellant on 15th September, 2020. i.e. within the time limit given in RTI Act. Appellant has not asked for any specific information within the meaning of 'information' as defined under section 2(f) of RTI Act, 2005. He has asked for certain queries in the form of clarification and opinion of CPIO. It is worth mentioning that under the provisions of Section 2(f) 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 by a PIO. The PIO is not supposed to create information that is not a part of the record. Hence the reply given by the CPIO is as per the provision of the RTI Act. Therefore, no further intervention is required on behalf of the FAA in this 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 – 15th December, 2020.

MBalimane 15/12/2020

(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

O/C

Copy to:-

1. **Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.**

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