

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

CICOM/A/P/21/00022  
CICOM/R/P/21/00008

Name of the Appellant: Shri E Viswanath  
"Vasantam"  
Asray A-190, Udyan-II  
Raksh Khand, Eldeco Colony  
Rae Bareilly Road  
Lucknow - 226025.

1.	Date of RTI application	18.12.2020
2.	Date of receipt of RTI application in RTI Cell/CPIO	29.12.2020
3.	Date of reply of the RTI application	13.01.2021
4.	CPIO (s) who furnished reply	Shri Ram Kumar
5.	Date of First Appeal application	18.01.2021
6.	Date of receipt of First Appeal in the office of FAA	04.02.2021
7.	Date of Decision	08.03.2021

**I. Brief Facts of the case:-**

The information sought by the RTI Applicant and point-wise reply by Shri Ram Kumar, CPIO are as under.

Sl.	Information sought by RTI Application No.CICOM/R/P/21/00008 dated 18.12.2020	Reply given by CPIO-CIC
1	(a) Is the Commission " <i>de jure</i> " a "Court" ? (b) Can it, where deemed necessary, draw proceedings of contempt, against a contemner of the Commission? If yes, quote the statute/code, and the provisions thereof.	Query has been raised which de hors section 2(f) of RTI Act. However, you may go through the RTI Act, 2005 and RTI Rules, 2012 available on public domain.

**II. Ground of First Appeal:-**

"Dissatisfied with the answer, this first appeal is filed."

**III. Decision with reasons:-**

On perusal of the First Appeal petition, RTI application and reply given by the CPIO, it is observed that reply given by Shri Ram Kumar, CPIO, CIC is factual and as per the provisions of the RTI Act, 2005. 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 by a PIO. The PIO is not supposed to create or collect information that is not a part of the record. Therefore, no intervention is required on behalf of the FAA in this matter.

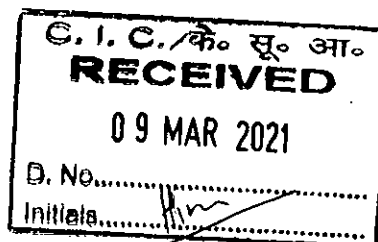
IV. The appeal is being disposed of accordingly.

V. 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 – 8<sup>th</sup> March, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Shri Ram Kumar, CPIO, CIC.



(Meena Balimane Sharma)  
First Appellate Authority  
Tel: 011-26162290