

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

CICOM/A/P/21/00041

CICOM/R/P/21/00041

Name of the Appellant: Shri Omprakash Kashiram
3/16, Amol Apartment,
Waldhuni, Kalyan - 421301.

1.	Date of RTI application	28.12.2020
2.	Date of receipt of RTI application in RTI Cell/CPIO	06.01.2021
3.	Date of reply of the RTI application	1 st , 4 th , 5 th 26 th Feb.2021 respectively
4.	CPIO(s) who furnished reply	Sh. C.Vinod Babu, Sh. Ram Kumar, Ms Amita Chauhan & Sh. SK Rabbani
5.	Date of First Appeal application	08.02.2021
6.	Date of receipt of First Appeal in the office of FAA	01.03.2021
7.	Date of Decision	23.03.2021

I. Brief Facts of the case:-

The information sought by the RTI Applicant and point-wise reply by Shri C.Vinod Babu (Points 2,3,4,9&12), Shri Ram Kumar (Point – 1,10&11), Shri S.K. Rabbani (Point- 7) & Ms Amita Chauhan (Point-5) are as under.

Sl.	Information sought by Application	Reply given by CPIO-CIC
1	Provide documents u/s 20 and 5(1) of RTI Act 2005 for not taking action for 2 nd Appeal dated 01.12.2020 for avoiding farmers agitation from last 32 days for cancellation of all three Acts of Parliament on Agriculture u/s 18(3)(a) to (f) of RTI Act 2005.	Software of the Commission reflects that the two second appeals/ complaints dated 01.12.2020 of the appellant were diarised vide diary no. 138626 & 138627 dated 08.12.2020 and both returned to sender vide speed post track no. ED500648377IN dated 14.12.2020 and speed post track no. ED500648315IN dated 14.12.2020.
2	Provide documents regarding the reasons for not working all 11 Commissioners for public of India and farmers of India due to number of 2 nd Appeals had submitted for taking action against Central Government and M/o Agriculture.	Admin Section has no information of the alleged "not working of all 11 Commissioners for public of India and farmers of India".
3	Provide the documents regarding all Registrars and DRs working for public of India and farmers for not taking <i>suo moto</i> action u/s 18(3)(a) to (f) and other sections of RTI Act 2005.	There is no Registrar at present. Admin has no information of the alleged "not taking <i>suo moto</i> action u/s 18(3)(a) to (f) of RTI Act" by the DRs on behalf of the CIC/ICs.
4	Provide documents regarding the names of all 11 Commissioners including CIC those are not taking action on Appeals dated 29.11.2020, 01.12.2020 and Appeal already submitted to the CIC.	Details of CIC/ICs are available at CIC's website www.cic.gov.in
5	Provide Name wise details of salaries taken by each Commissioner from November 2020 to December 2020 from the public fund for not taking action for Farmers' problems.	Shri YK Sinha, CIC Rs.250000/- Shri Neeraj K.Gupta, IC Rs.250000/- Shri Suresh Chandra, IC Rs.250000/- Smt. Vanaja N.Saran, IC Rs.250000/- Smt. Amita Pandove, IC Rs.225000/- Smt. Saroj Punhani, IC Rs.225000/- Shri Heeralal Samariya, IC Rs.225000/- Shri Uday J. Mahurkar, IC Rs.225000/-
6	(Not mentioned by the RTI applicant)	

7	The names of Commissioners including CIC those are using public Cars as transports from their home to office and other places may be provided duly attested b PIO u/s 2(h) of RTI Act 2005.	Staff car has been provided to all the Information Commissioners including Chief Information Commissioner.
8	Names of Commissioners including CIC those are staying in Government Quarters with type of quarters with all facilities they are taking may be provided duly attested by PIO with name and designation.	
9	Name of Commissioners including CIC are/were visited foreign countries from 2018 to 2020 on Central Government expenditure may be provided duly attested by PIO with name and designation with details of total expenditure on Government from public fund.	i) Shri R.K.Mathur, former CIC visited Brussels as CIC in 2018. Total expenditure incurred on the visit was Rs.2,87,876. ii) Shri Sudhir Bhargava, for CIC visited Mexico in 2018 as IC. Total expenditure on the visit was Rs.6,88,864.
10	Provide documents u/s 20 and 5(1) of RTI Act 2005 for not taking action for 2 nd Appeal dated 29.11.2020 for avoiding farmers agitation from last 32 days for cancellation of all three Acts of Parliament on Agriculture u/s 18(3)(a) to (f) of RTI Act 2005.	Software of the Commission, the second appeal/ complaint dated 29.11.2020 of the appellant was diarised vide diary no. 138307 dated 07.12.2020 and returned to sender vide speed post track no. ED5006450581N dated 10.12.2020. It is also intimated that diary no.138551/08.12.2020 was linked with file no. CIC/IOCLD/A/2019/105229 on 09.12.2020 and it was duly approved by the DR of concerned Registry on 09.12.2020.
11	Provide the document for not asking/ demanding from PIO, Central Government for submitting total income of Central Government from all sources of income under the Power of Section 18(3)(a) to (f) of RTI Act 2005 for cancellation of all three Acts of Parliament on Agriculture u/s 18(3)(a) to (f) of RTI Act 2005.	The issue is not specific and clear. Also it does not appear to be related to this Commission. The Applicant may like to take up this issue before the appropriate forum/authority.
12	Provide the documents for not nominating PIO and FAA among 11 Commissioners and violated Act of Parliament by the Commission from last 15 years and expect from others.	PIOs and FAA are appointed with the approval of competent authority as per rules.

II. Ground of First Appeal:-

Information not provided by PIO, CIC, New Delhi.

III. Decision with reasons:-

On perusal of the First Appeal petition, RTI application and reply given by the CPIO, it is observed that replies given by the respective CPIOs, CIC are 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.

CPIO (GA) is hereby directed to revisit his reply and provide complete information in respect of Points- 7&8 of RTI application.

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.

Meena Balimane
23/03/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Dated - 23rd March, 2021.

Copy to:-

1. Shri S.K.Rabbani, DS(GA) & CPIO, CIC. — *Gal. chandel*
2. Shri Ram Kumar, CPIO, RTI Cell, CIC.
3. Sh. C.Vinod Babu, CPIO (Admn), CIC → *Ushu*
- Ms Amita Chauhan, Cash Section, CIC

23/03/2021

Am
23.03.2021

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