

CENTRAL INFORMATION COMMISSION

CIC Bhawan, Baba Gang Nath Marg,

Munirka, New Delhi - 110 067

CICOM/A/P/21/00042

CICOM/R/P/21/00003

Name of the Appellant: Shri Omprakash Kashiram

3/16, Amol Apartment,

Waldhuni, Kalyan - 421301.

1.	Date of RTI application	16.12.2020
2.	Date of receipt of RTI application in RTI Cell/CPIO	01.01.2021
3.	Date of reply of the RTI application	29.01.2021
4.	CPIO (s) who furnished reply	Shri R.Sitarama Murthy
5.	Date of First Appeal application	10.02.2021
6.	Date of receipt of First Appeal in the office of FAA	01.03.2021
7.	Date of Decision	22.03.2021

I. Brief Facts of the case:-

The information sought by the RTI Applicant, with reference to CIC decision No. CIC/RBIND/A/2018/170124 dated 04.12.2020, and point-wise reply by Shri R. Sitarama Murthy, CPIO are as under.

Sl.	Information sought by Application	Reply given by CPIO-CIC
1	Provide copy of appointment letter nominating PIO for the above second appeal decision.	A copy of nomination letter of PIO in the matter, received from the respondent is enclosed for your information.
2	Provide document regarding the reasons for not indicating name of PIO in the above CIC decision.	The cause title in the case on the first page of the order is indicated as per practice and as available from the records. You are asking for reasons why it is not in a different manner. It is indicated in the given manner as per practice.
3	Provide documents for not issuing notice u/s 11 of RTI Act 2005 for issue of information mentioned in above CIC decision wherein RBI has intimated that they are not custodian of information.	In this regard your attention is drawn to Para 6 of the order in the matter, where the basis of the conclusion of the Commission was indicated. Further a copy of the written submissions given by the respondent before the hearing is attached for your information.
4	Provide documents regarding copies of notices issued u/s 11 of RTI Act 2005 to third parties those are custodian, has been examined by Shri Suresh Chandra, IC for claim of RBI that the RBI is not custodian of information u/s 18(3)(a) to (f) of RTI Act 2005.	In this regard your attention is drawn to Para 6 of the order in the matter, where the basis of the conclusion of the Commission was indicated. However, No such information (notices issued u/s 11 of RTI Act) is available in our record.
5	Provide documents regarding the Commission are getting receipts for delivery of averments by RBI to Appellant for not submitting the applicant views on averments of RBI as stated in decision by Shri Suresh Chandra, IC.	The information sought in this para is not clear. However, Para 6 of the order inter alia says that you have not contested the reply given by the RBI on merits. The answering CPIO has no information on this.
6	Copy of averments may be provided duly attested by PIO who is among 11 Commissioners of Commission.	The undersigned is designated as CPIO for the registry of Hon'ble IC (SC).
7	Copy of exemption for issue of decision without name of PIO, RBI who had submitted averments to CIC and copy to Applicant and same has been accepted by Shri Suresh Chandra, IC without examining the case u/s 18(3)(a) to (f) of RTI Act 2005.	This query has already been answered at 2 above.
8	Copy of exemption for not signing order by Shri Suresh Chandra in blue pen and issued Xerox copy which is not valid.	No such information is available with the answering CPIO.

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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 reply given by Shri R.Sitarama Murthy, CPIO, CIC is 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. He is also not required to interpret information or decision of CIC. 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 – 22nd March, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Shri R.Sitarama Murthy, CPIO, CIC.

MBalimane
22/03/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

R.G. 2005
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