

CENTRAL INFORMATION COMMISSION
CIC Bhavan, Baba Gang Nath Marg,
Munirka, New Delhi - 110 067

CICOM/A/P/21/00051

CICOM/R/P/20/00583

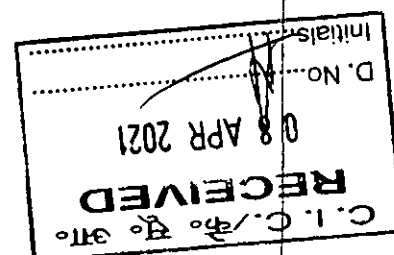
Name of the Appellant: Shri Omprakash Kashiram
3/16, Amol Apartment,
Waldhuni, Kalyan - 421301.

1.	Date of RTI application	17.12.2020
2.	Date of receipt of RTI application in RTI Cell/CPIO	30.12.2020
3.	Date of reply of the RTI application	05.01.2021
4.	CPIO (s) who furnished reply	Shri S.C.Sharma
5.	Date of First Appeal application	19.02.2021
6.	Date of receipt of First Appeal in the office of FAA	09.03.2021
7.	Date of Decision	07.04.2021

Brief Facts of the case:-

- The information sought by the RTI Applicant, with reference to CIC decision No. CIC/IOCLD/A/2019/114262 dated 26.11.2020, and point-wise reply by Shri S.C. Sharma, CPIO are as under.

Sl.	Information sought	Reply given by CPIO-CIC
1	Copies of appointment letters nominating PIOs in r/o the CIC decision No. CIC/IOCLD/A/2019/114262 dt.26.11.2020.	<p>Interpretation of decisions/ documents is not within the jurisdiction of the CPIO. More- Over, the information is not specific and does not fall u/s 2(f) of RTI Act.</p>
2	Documents regarding reasons for not indicating name of PIO in the above cited decision.	
3	Documents regarding the Contractual agreement is not public property or not Government documents which Shri Neeraj Kumar has refused on behalf of PIO in the said decision.	
4	Documents regarding the contractual agreement is not coming under records, documents and memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples models and date material as per the High Court of Mumbai in Dr. Ceisa Pinto Vs The Goa SIC on 03.04.2008.	
5	Copy of exemption for not signed order by Shri Neeraj Kumar Gupta. IC in blue pen and issued Xerox copy which is not valid.	
	6 & 7 missed out by applicant (wrong numbered).	<p>Interpretation of orders/documents is not within the purview of the CPIO.</p>
8	Copy of appointment letter nominating Shri R Kumar Pandey, PIO, IOL.	
9	Documents submitted by PIO, IOL for his support that contractual agreement or disclosure not involved in larger public interest in the matter for disclosure of information.	
10	Documents/the demand letter from Commission or for submission to Applicant regarding for show the proof for information is larger public interest for disclosure of information as mentioned by Shri Neeraj Kumar Gupta in his said order.	<p>Interpretation of decisions/ documents is not within the jurisdiction of the CPIO. The query does not fall u/s 2(f) of RTI Act.</p>
11	Copy of amendment in RTI Act 2005 where all ICs & CIC are working mandatorily as Public Information Officers for all Central Government departments, Ministries, autonomous bodies and over all others.	



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12	Documents regarding the Contractual Agreement is coming in pricing policy of the assessee and public disclosure of the information may clearly jeopardize the bargaining power available to the assessee since the data as to costs would be available to all agencies dealing with the assessee, that information opinion or advice in definition of information is section 2(f) of the Act only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act 2005.	
13	Copy of PIO reply with indicate all court orders which have been reflected by Commission in the said order.	You may refer to respective court's website in this regard.

III. Ground of First Appeal:-

Information not provided by PIO, CIC, New Delhi.

IV. Decision with reasons:-

The First Appeal petition, RTI application and reply given by the CPIO have been examined. 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.

The CPIO is directed to revisit his reply in respect of Point-13 of RTI application and give a suitable reply within 10 days from the date of receipt of this decision.

V. The appeal is being disposed of accordingly.

VI. 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 – 7th April, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Shri S.C.Sharma, CPIO, CIC. —

8/04/21

8/04/21

Meena Balimane
07/04/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290