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LINKS TO OTHER RTI PAGES Decisions of Central Information Commission (CIC) - Subject-Wise, Selected Decisions of Central Information Commission (CIC), RTI - Rules/Guidelines/Orders (Date-Wise), RTI Rules/Orders (Subject-Wise), RTI - Court Judgements MORE: Latest Department of Personnel & Training (DOPT)/DPPW Orders/Circulars SECTION-WISE DECISIONS 2022 CIC Decision dated 04.08.2022 on the Second Appeal filed by Prakash Gopalan Vs. Public Information Officer, Office of CPMG, Kerala Circle, Deptt. of Posts, Thiruvananthapuram - The Commission directed the concerned PIO to furnish a revised reply to the Appellant, with regards to total period of working in the office as on 06.10.2021, as mentioned in instant RTI Application. In case relevant information pertained to some other department/branch, then PIO was required to procure the same and furnish to the appellant. Further, the PIO was also required to make sure that any third-party information or any other information which is exempted from disclosure under RTI Act, 2005, will not be disclosed to the appellant while providing the said reply. [Section 8(1)(j); Third Party Information]CIC Decision dated 01.08.2022 on the Second Appeal filed by Anil Kumr Agrawal Vs. CPIO, Canara Bank, Hapur - The public authority denied having received the RTI Application. However, the CPIO was advised to seek necessary assistance and communicate with the appellant in order to respond to the RTI application within the timelines prescribed under the RTI Act. CIC Decision dated 06.06.2022 on the Second Appeal filed by Dr. Rajiv Khatri Vs. CPIO, University Grants Commission, New Delhi - CIC: "..... the Commission is extremely irked to note that the onus of replying to the instant RTI Application is being shifted across different divisions of UGC. The Commission expresses severe displeasure for showcasing lackadaisical approach of the Respondent in the instant matter. The Commission further notes that even after an efflux of 2 years of time, the Respondent public authority is yet to ascertain the actual custodian of the information. The Commission treats this as a blatant error and willful violation of the provisions of the RTI Act and the said conduct of the Respondent Authority is highly admonished." [UGC, Grievance Redressal Mechanism in UGC]CIC Decision dated 25.05.2022 on the Second Appeal. Complaint filed by Prasoon Shekhar Vs. CPIO, Bar Council of India, New Delhi - CIC: "The FAA burst into frenzied arguments with the Appellant for bringing up allegations of lack of transparency and for insisting on non-compliance of earlier Commission's directions. The Commission took exception to the disdainful conduct of the FAA and closed the hearing proceedings." xxxxx The Commission directed the FAA to place this order before their competent authority to ensure that action is expedited with respect to the upgradation of the BCI website while also incorporating the stipulations of the Commission in the H N Pathak case. The Commission also directed the CPIO to reiterate the opportunity of inspection of the available records to the Appellant and facilitate the same on a mutually decided date & time. [Conduct of FAA, Bar Council of India, Inspection of Colleges by BCI]CIC Decision dated 27.04.2022 on the Second Appeal filed by Shri Hari Gupta Vs. CPIO, Office of DG of Income Tax, Lucknow - Directorate of Income Tax (Investigation) is an "Exempted Organization". CIC: ".... no further disclosure in this respect is warranted in the matter in keeping with the provision of Section 24 of the RTI Act." [Sec 24; Tax Evasion Petition (TEP), Exempted Organisation]CIC Decision dated 25.04.2022 on the Second Appeal filed by Savio J.F. Correia Vs. CPIO, Mormugao Port Trust, Goa - The CIC, inter alia, observed that "The Commission is thus unable to appreciate the square applicability of Section 8(1)(d) of the RTI Act to the specific information sought for in the RTI Application in the absence of any justification to this effect by the CPIO as required under Section 19(5) of the RTI Act, and therefore the denial of the information is not acceptable." The Commission, therefore, directed the CPIO to provide the available information under the categories mentioned in the RTI Application in the form of a written reply or an extract wherein only these heads of information figure, as per the provisions of the RTI Act. [Secs. 8(1)(d) & (j), 19(5); Financial Investment by Statutory Body]CIC Decision dated 23.02.2022 on the Second Appeal/Complaint filed by Sh. Nagsen Rajaram Suralkar Vs. Department of Posts, Office of Supdt. of Post Office, Bhusawal, Maharashtra - The CIC, inter alia, observed that the CPIO has erred in providing the caste related information of all the employees in response to point no. 1 of RTI Application to the Appellant without seeking consent of said employees under Section 11 of RTI Act. In this regard, the CPIO was advised to follow due process of law as envisaged under the RTI Act before parting with any information which stands exempted from disclosure under Section 8(1)(j) of RTI Act. [Section 8(1)(j); Caste-Related Information of Employees]CIC Decision dated 22.02.2022 on the Second Appeal/Complaint filed by Sh. J.P. Tiwari Vs. CPIO, Department of Personnel & Training, New Delhi - The CIC decided that it (the facts of the case) reflected on the then CPIO's gross non-application of mind and a lackadaisical approach in executing the statutory duty cast upon him by virtue of the RTI Act. Nonetheless, the US & then CPIO was directed by the Commission to send his written explanation stating as to why no effort was invested by him in locating the averred complaint despite being provided with the reference of the relevant CVC's forwarding note. [Acton Taken, Complaint Matter, File Notings]CIC Order dated 03.01.2022 on the Second Appeal filed by Mr. Om Prakash Vijaivergia Vs. CPIO, State Bank of India, Siliguri, Darjeeling, West Bengal - The appellant attended the hearing through audio-call. The respondent, Shri Rajiv Kumar Mishra, CPIO/Regional Manager attended the hearing through audio-call. Both the parties submitted their written submissions and the same were taken on record. CIC: "8. In view of the above, the Commission hereby issues strict warning to the concerned CPIO for not providing the available information for so long. That the conduct of the concerned CPIO is highly objectionable and same should be brought to the notice of his controlling authority for an appropriate view. He is being reprimanded for future as the information that could have been provided on time, also not provided by the concerned CPIO. That the conduct of the concerned FAA is also found to be lacking as the first appeal has not been disposed off meticulously, therefore the FAA's conduct should also be examined by its controlling authority. 9. xxx xxx Further, the Commission observes that if the technical vendor is not cooperating with the CPIO, the controlling authority should take an appropriate view on competence performance of the vendor." [Conduct of the CPIO; FAA]2021CIC Decision dated 29.10.2021 on the Second Appeal filed by Mr. Dhavalkumar Kirrikumar Patel Vs. CPIO, National Mission for Manuscripts, New Delhi, and CPIOs of 4 other organisations - The CIC directed the NMM to put in public domain the around 3 lakhs manuscripts (according to the respondent) which it has digitized so far within a period of one year from the date of receipt of this order. The CIC also directed the NMM to allow the appellant official access (including downloading) of 30,000 manuscripts it has already put in public domain out of the total around 3 lakhs manuscript digitized so far. Further, the appellant was required to bear downloading cost which he had offered to bear during the course of hearing. [Manuscripts Catalogued by NMM, Larger Public Interest, Third Party Information]CIC Decision dated 22.10.2021 on the Second Appeal filed by Love Gogia Vs. CPIO, Bharat Sanchar Nigam Ltd., Office of CGM, Pune - The CIC has held that "Under the provisions of Section 19 (5) of the RTI Act, 2005, in an appeal proceeding, the onus to prove that a denial of a request was justified shall be on the CPIO. The CPIO in his reply had clearly failed to justify his position as to how the disclosure of information would be in contravention of the provisions enshrined under Section 8 of the RTI Act, 2005 and what commercial confidence would be breached as the information sought by the appellant free of cost. [Sections 8(1)(d), 19(5); BSNL's ERP System]CIC Decision dated 16.08.2021 on the Second Appeal filed by Shri Saurav Das Vs. CPIO, Department of Health & Family Welfare - The CIC decided: "However, in view of the extraordinary predicament the world finds itself in, it is of vital importance that all relevant updates, notifications and information which is likely to serve larger public interest, and address concerns and worries should be widely disseminated to create awareness among the public. The Respondent must note that dissemination of vital information is as much a national duty as proper and effective discharge of their onerous responsibilities." [Sections 2(f), 6(3), 7(1), 8(1)(a), 19 and 25(5); Centralised Procurement of COVID-19 Vaccines for States, Foreign Aid, Larger Public Interest, Life and Liberty Clause, Suo Motu Disclosure]CIC Decision dated 13.08.2021 on the Second Appeal/Complaint filed by Shri Shyamlal Yadav Vs. PIO, CPV Division, Ministry of External Affairs - As per the Decision of CIC, the RTI application was mechanically replied to by the erstwhile CPIO without application of mind. The Commission thus cautioned the erstwhile CPIO and Dy Passport Officer (Ops) to ensure that RTI applications are not dealt with in a casual manner in future. The Commission also directed the incumbent CPIO to re-examine the RTI application and provide the information. [Section 2(f); Passports, CPIO/PIO]CIC Decision dated 17.05.2021 on the Complaint filed by Shri Aniket Gaurav Vs. PIO, Ministry of Health & Family Welfare - CIC: "However, before concluding the decision at hand, the Commission wishes to advise the Respondent to ensure that maximum information which serves larger public interest, is proactively disclosed, to enhance transparency and dissemination of correct information. This will also obviate the need for filing of RTI cases by citizens on matters of such vital importance." [Sections 4, 18; Covid Vaccination Result Data]CIC Decision dated 23.03.2021 on the Second Appeal/Complaint filed by Shri Venkatesh Nayak Vs. CPIO, Department of Social Justice & Empowerment, New Delhi - The CIC observed that "The Commission observes at the outset that the denial of the information in the initial reply of the CPIO under Section 8(1)(i) of the RTI Act was grossly inappropriate as no justification was provided for invoking the said exemption, in fact, the CPIO merely reproduced the provision of Section 8(1)(i) in his reply to the RTI Application. The said conduct of the CPIO is viewed adversely by the Commission as it is suggestive of his non-application of mind in dealing with the matters under the RTI Act." The CPIO was severely admonished for the inappropriate denial of the information to the Appellant and he is warned to ensure that due diligence is exercised while dealing with the RTI Applications in future. Regarding the prayer of the Appellant regarding the

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