

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/YA/C/2014/000328/SB**

**Dated 09.09.2016**

**Complainant** : Shri Kanwal Jit Singh,  
C-603, Mithras Park,  
Rahatani Road,  
Pimpale Saudagar,  
Pune-411027

**Respondent** : Central Public Information Officer,  
Central Information Commission,  
2<sup>nd</sup> Floor, B-Wing,  
August Kranti Bhawan,  
Bhikaji Cama Place,  
New Delhi-110066.

**Date of Hearing** : 09.09.2016

**ORDER**

1. Shri Kanwal Jit Singh filed a complaint before the Commission on 27.05.2014 under Section 18(1)(e) of the RTI Act on the grounds that the information published in respect of sub sections (iii) and (iv) of Section 4(1)(b) of the RTI Act is incomplete in as much as it states that CIC follows the Central Secretariat Manual on Office Procedure (CSMOP) for administrative work to the extent possible, however, it has not been clarified to what extent does the CIC follow the CSMOP.

**Hearing:**

2. The complainant Shri Kanwal Jit Singh attended the hearing through video conferencing. The respondents Shri S.P. Beck, Joint Secretary (Admin and RTI), CIC and Shri Ashok Kumar Sharma, CPIO, CIC were present in person.

3. The complainant submitted that Section 4(1)(d) of the RTI Act requires that every public authority shall provide reasons for its administrative or quasi-judicial decisions to affected persons. Since the CIC follows CSMOP for administrative functions, it is required to provide reasons for delay in responses. However, the CIC does not do so as evident from the responses received from the Central Registry vide its letter dated March 14, 2014, in connection with a second appeal filed online by the complainant on December 06, 2013. The complainant, therefore, requested that the information sought may be published on the website of the CIC under advice to the complainant. The complainant also requested that the respondent should direct all public authorities to publish such information on their websites.

4. The respondent submitted that the CIC has uploaded all information as required under Section 4(1)(b) of the RTI Act. Further, due action is taken in compliance with the DOPT's guidelines dated 15.04.2013 on Implementation of suo motu disclosure under Section 4 of the RTI Act. The respondent also stated that all the quasi-judicial decisions of the CIC/IC are uploaded on the website of the CIC. The respondent further submitted that under the RTI Act, he has no jurisdiction to issue directions to the other public authorities regarding Section 4(1)(d) of the RTI Act.

**Decision:**

5. The Commission, after hearing both the parties and perusing the records, observes that as regards providing reasons for the administrative or quasi-judicial orders under Section 4(1)(d) of the RTI Act, a coordinate bench of this Commission in its order dated 18.06.2008 F.no. CIC/AT/A/2007/01298 (Shri Virchand. A Shah V/s Central Excise Department) has observed:

“7. However, it would be fallacy to conclude that all public authorities are obliged to provide post facto reasons to the RTI-petitioners in all

administrative and quasi-judicial matters previously decided. The right of a citizen to get information from a public authority is conditioned by Section 2(f) subject to exemption Sections of the RTI Act. To further elaborate it, it would be impossible for any public authority to give reasons for the administrative/quasi-judicial decisions taken by them in the past because it would virtually amount to asking the present incumbent to read the mind of that authority which passed or took the decision, at an earlier point of time. The reasons for any decision are those as may be found in the body of the decision itself, or from the file in which that decision was made. This is what Section 4(1)(d) implies.”

In view of the above, a public authority under Section 4(1)(d) of the RTI Act is required to disclose the reasons which are found recorded in the file(s)/order and there can be no obligation to provide information which does not exist.

The Commission, however, directs the CPIO, CIC to ensure compliance with DOPT's guidelines dated 15.04.2013 on Implementation of suo motu disclosure under Section 4 of the RTI Act.

6. With the above observations, the complaint is disposed of.
7. Copy of decision be given free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**