

DECISIONS OF “CENTRAL INFORMATION COMMISSION” + IMPLICATIONS

1. Decision no. refers to the no. as posted on the CIC’s website.
2. The following appeals/decisions must be read in full:
 - a. 10/1/2005/CIC dated 25.02.06.
 - b. ICPB/C1/CIC/2006 dated 06.03.06.

DECISIONS & IMPLICATIONS

1. Information includes file notings. (ICPB/A-1/CIC/2006 dated 31.01.06)
2. A public authority can divide responsibilities amongst PIOs, but every PIO has to accept every application. (10/1/2005/CIC dated 25.02.06)
3. The PIO with whom the application is submitted has to provide the information. He cannot forward to another PIO within his department. Also, he cannot ask the applicant to approach another PIO for submission or obtaining information. (ICPB/C1/CIC/2006 dated 06.03.06)
4. Only PIOs can provide information. Other officers and APIOs cannot provide information. APIOs job is to only forward the application or the appeal. (10/1/2005/CIC dated 25.02.06)
5. Transfer under section 6(3) is not possible within a single public authority. (10/1/2005/CIC dated 25.02.06 & ICPB/C1/CIC/2006 dated 06.03.06)
6. A public authority can prescribe a form for making application. However, it was clarified in a subsequent review order that an application can still be made on plain paper and it cannot be rejected. (CIC/C/I/2006 dated 16.01.06 & CICI/C/1/2006 dated 30.01.06)
7. The onus for timely dispatch of replies is on the PIO alone. (CIC/OK/A/2006/00049 dated 02.05.06)
8. An appellant can seek the help of others in proceedings. (10/1/2005/CIC dt. 25.02.06)
9. One has to serve documents on the opposite parties also. (10/1/2005/CIC dt. 25.02.06)
10. It is possible to seek reviews of Commission’s decisions. (CICI/C/1/2006 dated 30.01.06 & CIC/A/3/2006 dated 03.04.06)
11. An appellant has a right to be heard by the first appellate authority. (CIC/AT/A/2006/00040 dated 27.03.06)
12. A public authority can only ask for costs as prescribed in the Act and the Rules, and cannot ask for compensation for their time and other costs incurred. (23/IC(A)/2006 dated 10.04.06)
13. Use of lawyers for representation is discouraged by the Commission. (CIC/MA/A/2005/00004 dated 02.05.06)
14. Even if the information is available on the government’s website, one can ask for it through an application. (CIC/OK/A/2006/00046 dated 02.05.06)
15. A tender cannot be cancelled without giving reasons. In fact, every action of a public authority must have a reason and it should be transparent to all. (ICPB/A-4/CIC/2006 dated 10.02.06 & ICPB/A-6/CIC/2006 dated 27.02.06)
16. Information cannot be denied under section 7(9). This provision only deals with the form in which information is to be supplied. (10/1/2005/CIC dated 25.02.06)
17. The government cannot wrongly classify its documents as Secret and then claim exemption from disclosure. (CIC/A/12/2006 dated 21.02.06)
18. Excuse of “potential misuse” is not sufficient to deny information. (10/1/2005/CIC dated 25.02.06)

19. Jailed or under-trial people is not personal information and is not invasion of privacy. (CIC/WB/A/2006/00120 dated 01.05.06)
20. Tour programmes and travel expenses of a public authority are not personal information. (07/IC(A)/CIC/2006 dated 06.03.06)
21. Bio-datas and application forms together with enclosures for appoint in public authorities cannot be denied. (ICPB/A-9/CIC/2006 dated 03.04.06)
22. Names of officers who are under discreet watch due to suspicion of corruption but still have been promoted have to be disclosed. (CIC/MA/A/2006/116 dated 01.05.06)
23. Complainants should be in the know of the progress of their complaints about income tax evasion. (CIC/MA/A/2006/118 dated 01.06.06)
24. PA can be directed to provide information after investigation is completed under intimation to the CIC. (CIC/MA/A/2006/118 dated 01.06.06)
25. Where information sought is not clear, the Commission may direct the appellant to clarify and PIO to provide information within 10 days. (CIC/AT/A/2006/074 dated 01.06.06)
26. Data protection under section 8(1)(j) and 11 cannot be invoked to deny information not held in confidence. (CIC/WB/A/2006/126 dated 01.06.06)
27. Personal performance assessment/appraisal forms of government employees cannot be disclosed. (29/IC(A)/06 dated 20.04.06)
28. PAN, TAN Numbers are confidential. (05/IC(A)/CIC/2006 dated 03.03.06)
29. Evaluated answer sheets of self or others cannot be disclosed. However, “answer key” and “award of marks” cannot be kept secret. (ICPB/A-2/CIC/2006 dated 06.02.06 & ICPB/A-3/CIC/2006 dated 10.02.06 & 11/53/2006-CIC dated 02.05.06)
30. One cannot prefer a second appeal directly with the Commission without first preferring the first appeal. (CIC/A/1/2006 dated 18.01.2006)
31. For a valid reason, this appeal was referred back to the first appellate authority. However, the appellant was advised that he can revive the appeal if the first appellate authority failed to act within the extended time. (ICPB/A-5/CIC/2006 dated 17.02.06)
32. PIOs cannot appeal against the decisions of first appellate authorities. (06/IC(A)/CIC/2006 dated 03.03.06)
33. Exemption provided to the organizations listed in Second Schedule of the Act are absolute in nature. (CIC/AT/A/2006/00055 and 30 dated 27.04.06)
34. The provision that “information that can be given to the Parliament can be given to the application also” is meaningless. The Commission has not accepted it even once. In this case, it even asked for a cause of action which is not allowed in the Act. (02/IC(A)/CIC/2006 dated 22.02.06)
35. Even a Supreme Court PIO is not exempt from penalty. He narrowly avoided it in this case. (CIC/A/3/2006 dated 07.02.06 and 03.04.06)
36. Investigation should be taken as completed only after the competent authority makes a prima-facie determination about the presence or absence of guilt on receipt of the investigation report from the investigating officer. (CIC/AT/A/2006/039 dated 01.06.06)