

Central Information Commission, New Delhi  
File No. CIC/MP/C/2016/000045/SH  
File No. CIC/MP/C/2016/000046/SH  
Right to Information Act-2005-Under Section (18)

Date of hearing : 18th May 2017  
Date of decision : 18th May 2017  
Name of the Complainant : SHRI SUBHASH CHANDRA AGRAWAL  
Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,  
RESERVE BANK OF INDIA  
CENTRAL OFFICE BUILDING,  
SHAHID BHAGAT SINGH MARG,  
FORT, MUMBAI- 400001

The Complainant was present in person.

On behalf of the Respondents, Shri Sankalp Tyagi, Legal Officer was present at the NIC Studio, Mumbai.

**Information Commissioner : Shri Sharat Sabharwal**

These files contain two complaints, filed by the Complainant under Section 18 of the RTI Act, in respect of refusal of the Respondents to receive two RTI applications, both dated 5.2.2016, filed by him, seeking information on various issues.

2. The matter came up today. The Complainant stated that he had sent the two RTI applications to the Mumbai Office of the Respondents under the same cover. However, the envelope was received back undelivered with the notation by the postal authorities that the addressees had refused to accept it because of incomplete address. The Complainant stated that the envelope was presumably not accepted by the Respondents because it was addressed to their CPIO and not to the CPIO of any particular department of the Respondents. He submitted that in the case of a similar situation in the Ministry of Finance, the Commission, vide order No. CIC/SM/A/2011/001380 dated 7.9.2012 had directed the Ministry of Finance to

appoint a CPIO for that Ministry or nominate one of the CPIOs of its departments to act as the CPIO for the Finance Ministry also. The above order of the Commission was upheld by the High Court of Delhi in its order dated 17.4.2013 in Union of India vs. Shri Subhash Chandra Agarwal [W.P.(C) 8087/2012]. He prayed for direction to the Respondents to nominate a nodal CPIO so that even if an RTI application is not addressed to the CPIO of a particular department of the Respondents, it is directed by the nodal CPIO to the concerned department(s) and is not returned to the RTI applicant. He further prayed that the Respondents should give wide publicity to the name and address of the nodal CPIO. The Complainant stated that he was not seeking imposition of penalty as it was a matter concerning a systemic flaw and not an action on the part of any particular officer.

3. The representative of the Respondents was not prepared for the hearing and continued to refer to some appeal concerning the RTI application dated 5.2.2016. The Complainant clarified that after the Mumbai Office of the Respondents refused to accept the above applications, he filed the same in the Delhi Office and received information also. He stated that the representative of the Respondents was presumably referring to some appeal concerning the application filed subsequently at Delhi. However, we note that Shri M. Nandakumar, CPIO, vide his letter dated HRMD.CO.RIA/431/07.50.03/2016-17 dated 20.7.2016 filed his written submissions in respect of the complaint on File No. 46, which is the same as the complaint on File No. 45, except that it is in respect of a different RTI application. In this he stated the following:-

*“i. As regards the allegation that RBI has refused to accept his RTI application dated February 5,2016, it is observed from the photocopy of the envelope enclosed to his complaint, that the address mentioned by the complainant is “Central Public Information Officer, Reserve Bank of India, Central Office Building, Shaheed Bhagat Singh Marg, Fort, Mumbai”. The name of the concerned Department in RBI or the name of the CPIO / CAPIO was not mentioned by the applicant on the envelope. It is submitted that the Central Office of RBI in Mumbai has more than 30 Departments, each of which has separate CPIOs.”*

In response to our query, the representative of the Respondents stated that they do not refuse RTI applications. In case the department to which an application pertains is not clear, the CPIO of HR Department directs it to the concerned department.

4. We have considered the submissions of both the parties and note that in its order dated 17.4.2013, mentioned above, the High Court of Delhi, while upholding the above mentioned order dated 7.9.2012 of the Commission, supplanted the Commission's order with the following directions:-

*“(i). Ministry of Finance, Government of India will duly publicise the name of the Nodal Officer, who will receive RTI applications.*

*(ii). The Nodal Officer on receipt of any RTI application will process the same to ascertain as to the department to which the RTI application pertains. (iii). On completion of this exercise, the application received by the Nodal Officer will be marked to the CPIO of the concerned department.*

*(iv). In case the information pertains to more than one department, photocopies of the information would be supplied to CPIOs of all such departments so that there is no delay in receipt of information by the querist.*

*(v). The Nodal Officer on receipt of the information and on processing the same, as indicated above, will immediately write to the querist, indicating to him, the CPIO of the concerned department to whom his application is marked. The return communication of the Nodal Officer shall, set out, the name, address and telephone number of the said CPIO, to facilitate exchange of future communication between the two, if found necessary.*

*(vi). Needless to say, if any application is preferred by a querist, which does not indicate the name of the concerned CPIO, these will be entertained in the first instance by the Nodal Officer and thereafter dealt with, in accordance with the directions, issued hereinabove.”*

5. We do not agree with the current practice of the Respondents that all the RTI applications should be filed to the CPIOs of their specific departments, information

concerning whom is available on their website. Information can be sought by applicants on various issues and in many cases, the applicants may not be clear about the department of the Respondents, in which the information would be available. In any case, a public authority should not return an RTI application merely on the ground that it is not addressed to a specific CPIO but only to 'CPIO'.

6. In the light of the foregoing, we direct the Respondent public authority to appoint a nodal CPIO or designate one of the existing CPIOs as the nodal CPIO and give wide publicity to his name, designation and address. It will be the task of this nodal CPIO to discharge the responsibilities contained in the directions of the High Court of Delhi mentioned in paragraph 4 above.

7. With the above directions and observations, the two complaints are disposed of.

8. Copies of this order be given free of cost to the parties.

**Sd/-**  
**(Sharat Sabharwal)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(S. C. Sharma)**  
**Deputy Registrar**

