

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File No : CIC/DOP&T/A/2019/114497

Omprakash Kashiram

....अपीलकर्ता/Appellant

CPIO

US, (IR)
Ministry of Personnel, Public
& Grievances & Pentions,
(DOP&T), North Block, New
Delhi-110001

VERSUS
बनाम

....प्रतिवादीगण /Respondent

Date of Hearing : 10/02/2021

Date of Decision : 10/02/2021

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on : 26/12/2018

CPIO replied on : 09/01/2019

First appeal filed on : 16/01/2019

First Appellate Authority order : NA

2nd Appeal/Complaint dated : 23/03/2019

Information sought and background of the case:

The Appellant filed RTI application dated 26.12.2018 seeking information on five points, including inter-alia;

1. *“ Provide the documents duly attested by Public Information Officer with name and designation regarding the report not submitted to the President of India for removal of Shri Sudhir Bhargav under Section 17(3) (a) of RTI Act 2005 for adjudged on insolvent.*
2. *Provide the documents duly attested by Public Information Officer with name and designation regarding reasons for not taking action against Shri Sudhir Bhargav, Information Commissioner under Section 17 (3) (a) of RTI Act, 2005 for adjudged on insolvent, in connection with meeting by RBI on 08.11.2016 for withdrawal of legal tender status of banknotes in the denomination of Rs.500 and Rs.1000 which is not as per RBI Act 1934.*
3. *Provide the documents regarding impeachment against commissioners are coming under Section 19(7) of RTI Act 2005 duly attested by PIO with name and designation.*
4. *Provide the documents regarding impeachment action against commissioners or Chief Information Commissioner are coming under the Central Information Commission under Section 19(7) of RTI Act 2005.*
5. *Provide the documents regarding reports for impeachment against Shri Sudhir Bhargav, Information Commissioner has not been submitted to concern committee or the President of India for removal of Shri Sudhir Bhargav.”*

The CPIO replied to the appellant on 09.01.2019 stating as follows:-

“Point Nos. 1, 2 and 5:- This information is not held by the CPIO. Further, only such information can be supplied under the RTI Act, 2005 that is available and existing and is held by the public authority. The PIO is also not required to furnish information which require drawing of inference and/or making assumptions as to interpret information or to solve the problems raised by the applicants or to furnish replied to hypothetical questions.

Point Nos. 3-4:- As far as RTI Act. 2005 is concerned, as per section 19(7) the RTI Act, 2005 of the decision of Central Information Commission is final & binding.”

Being dissatisfied, the appellant filed a First Appeal dated 16.01.2019. FAA's order, if any, is not available on record.

Grounds for the Second Appeal:

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: Pawan Kumar, US & CPIO present through audio-conference.

The CPIO submitted that an appropriate and point-wise reply has been provided to the Appellant.

Decision

The Commission observes from a perusal of the facts on record that the information sought for in the RTI Application does not even conform to Section 2(f) of the RTI Act and infact the queries are extremely incoherent and in most places the import of the queries is incomprehensible. Moreover, the CPIO has also provided a completely appropriate reply as per the provisions of the RTI Act.

In view of the foregoing, the Commission finds no scope of intervention in the matter.

Adverse Observations

This bench of the Commission heard 11 other Appeals of the Appellant simultaneously and upon a conjoint consideration of these cases it is apparent beyond reasonable doubt that the Appellant is unabashedly filing multiple RTI Applications, which in most cases is repetitive in nature as the same RTI Application is filed with different public authorities. Moreover, the queries of the Appellant neither conform to Section 2(f) of the RTI Act nor can these be comprehended easily. The Appellant seeks all sundry information under the garb

of transparency and in the process of dealing with these RTI Applications, at some point in time, invariably; each public authority is dealing with the same RTI Application more than once. The Commission is also irked to note that in all of these Appeals, the Appellant has stated in his Second Appeal that he does not want to avail of the opportunity to plead his case in person or through his representative also. This further establishes the fact that the Appellant is merely a habitual RTI Applicant with no intention of gaining access to information. The RTI Applications, First Appeal(s) and Second Appeals of the Appellant without any substance or merit has a cascading effect on the functioning of the public authorities and throttles the letter and spirit of the RTI Act in addition to causing a huge loss of public money on stationery and allied resources.

It appears that the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. The Appellant shall note that even the superior Courts have recognized the misuse of the RTI Act as an impediment to ensuring transparency and probity in the functioning of the government through various judgments such as the Hon'ble Supreme Court's observation in **Central Board of Secondary Education (CBSE) & anr. v. Aditya Bandopadhyay and others** [(2011) 8 SCC 497] stating that:

*"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. **The Act should not be allowed to be misused or abused, to become a tool to obstruct***

the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties." Emphasis Supplied

Similarly, in ***ICAI v. Shaunak H. Satya, (2011) 8 SCC781*** the Hon'ble Supreme Court has held that:-

"39. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Sections 4(1)(b) and (c) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."

In the matter of ***Rajni Maindiratta- Vs Directorate of Education (North West - B) [W.P.(C) No. 7911/2015]*** the Hon'ble High Court of Delhi has held that:

"8. Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it is found that the process of the law is being abused, the same become relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop thereto." Emphasis Supplied

Having observed as above, the Appellant is advised to steer clear of inundating the public authorities with frivolous RTI Applications.

The appeal is dismissed accordingly.

**Saroj Punhani (सरोज पुनहानि)
Information Commissioner (सूचना आयुक्त)**

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(C.A. Joseph)

Dy. Registrar

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सी. ए. जोसेफ, उप-पंजीयक

दिनांक / Date

Omprakash Kashiram



