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PUNJAB STATE INFORMATION COMMISSION

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Appeal Case No. 2246 of 2020

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3. The respondent-Public Information Officer stated that the information pertaining to Point No. 1 of the RTI application has already been supplied vide letter dated 1.7.2020. In the reply sent by the respondent-Public Information Officer to the appellant, it has mentioned that the appellant has sought the information during the lockdown period of Covid 19 and because of non working of the office, the information/reply has been delayed. Regarding the remaining information the respondent-Public Information Officer states that the appellant has sought the 3rd party information involving large number of parties. The respondent-Public Information Officer also stated that the appellant has also sought the bulk information i.e. copies sent to the patwaries for mutation etc. The said papers are sent in original to patwaries for further necessary action, which never returns to sub registrar's office. Therefore no record is available in the office. He has also categorically mentioned that no mutation receipts are received in this office.

4. The similar issue has also been elaborated by the Supreme Court of India in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors (Civil Appeal No.6454 of 2011) reported as 2011(3)RCT(Civil) as follows:-

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

Hon'ble Apex Court further held that "The RTI 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

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striving to do their duty-National does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collection and furnishing information to applicants instead of discharging their regular duties---Indiscriminate and impractical demands or directions under RTI Act for disclosure of all the 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".

5. The Commission also considered the case of the complainant in accordance with the decision of the Supreme Court of India in ICAI v. Shaunak H. Satya, (2011) 8 SCC781 in which it 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."

6. After hearing the parties, going through the judicial pronouncements and record of the case file, the Commission accepts the plea taken by the respondents and observes that no further action is required in this case, as the appellant has sought the voluminous information relating to 3rd party. Hence, the case is disposed of and closed.

Dated: 9.12.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.