

PUNJAB STATE INFORMATION COMMISSION
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Sh. Naresh Kumar Gupta, (9872761372)

Activist, Whistle Blower,Appellant/Complainant
 R/o Chowk No. 1, Jaitu, Distt. Faridkot.

Versus

Public Information OfficerRespondent
 O/o Deputy Commissioner,
 Faridkot.

First Appellate Authority

O/o Deputy Commissioner,
 Faridkot.

First Appellate Authority

O/o SSP, Faridkot.

Public Information Officer

O/o SSP, Faridkot.

Public Information Officer

O/o DGP, Punjab, Sector 9, Chandigarh.

First Appellate Authority

O/o DGP, Punjab, Sector 9, Chandigarh.

**Appeal Case No. 3453, 3454, 3455 and 3456, 3457, 3458,
 3459, 3460, 3461, 3462, 3463, 3464 and 2057 of 2021**

(This order may be read in the continuity of previous order of the commission dated 27.06.2022 vide which the above mentioned cases were kept reserved and are pronounced today.)

ORDER:

1. The present bunch of Second Appeals have been filed by the present Appellant who claims himself to be an 'activist' and a 'whistleblower'. What has caused immense pain and displeasure to this Commission is the fact that under the guise of the aforesaid self-styled 'tag' which the Appellant has given to himself, he has been abusing the process of law, especially the provisions of Right to Information Act, 2005 which was brought into force with the objective of providing greater and more effective access to information while ensuring that the practice of revelation of information in actual practice which is likely to conflict with

other public interests, including efficient operations of the Governments, is harmonized with the interest of preserving the paramountcy of the democratic ideal.

2. The brief facts of the case necessary to be noted for proper adjudication of the present bunch of Second Appeals are stated hereinbelow. The Appellant before this Commission has filed numerous Second Appeals under the RTI Act seeking wide range of information, against various Public Authorities and Government Departments which are pending for adjudication before various coordinate Benches of this Commission. Out of all such cases filed by the Appellant before this Commission, thirteen have been listed before this Bench and are being taken up together and accordingly being disposed of by way of the present common Judgment. The details of the said cases are as follows:

- i. Appeal Case No. 2057 of 2021-*Naresh K. Gupta vs. Public Information Officer O/o SSP Faridkot & Anr.,*
- ii. Appeal Case No. 3453 of 2021 (Liberty & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DC Faridkot & Anr.,*
- iii. Appeal Case No. 3454 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DC Faridkot & Anr.,*
- iv. Appeal Case No. 3455 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DC Faridkot & Anr.,*
- v. Appeal Case No. 3456 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DC Faridkot & Anr.,*

- vi. Appeal Case No. 3457 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DGP, Pb. Chandigarh & Anr.*
- vii. Appeal Case No. 3458 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DGP, Pb. Chandigarh & Anr.*
- viii. Appeal Case No. 3459 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DGP, Pb. Chandigarh & Anr.*
- ix. Appeal Case No. 3460 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DGP, Pb. Chandigarh & Anr.*
- x. Appeal Case No. 3461 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o DGP, Pb. Chandigarh & Anr.*
- xi. Appeal Case No. 3462 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o SSP Faridkot & Anr.*
- xii. Appeal Case No. 3463 of 2021 (Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o SSP Faridkot & Anr.*
- xiii. Appeal Case No. 3464 of 2021(Life & Liberty) - *Naresh K. Gupta vs. Public Information Officer O/o o SSP Faridkot & Anr.*

3. At the time of hearing of the aforesaid bunch of Second Appeals a very perturbing fact was brought to the notice of this Commission by Respondents in the present cases i.e., that the present Appellant has been filing multiple RTI Applications before the same Public Authorities where he has sought information which is *verbatim* similar to each other. Therefore, the Respondents have contended that the Appellant herein has been indulging in the practice of filing repeated RTI Applications on the same subject matter, seeking the same

information, more than once, and has been taking the said matters to first and second appeal, respectively, merely in order to harass and humiliate the respective Public Authorities.

4. In order to support the aforesaid contention, the Respondents have drawn attention of this Commission to Information sought by the Appellant in two Second Appeal Cases viz., Appeal Case No. 2518 of 2021 and Appeal Case No. 2420 of 2021 which are pending for adjudication before the co-ordinate Bench of this Commission.
5. By placing reliance upon RTI Application dated 14.03.2021 (which is subject matter of Appeal Case No. 2518 of 2021) and also on RTI Application (bears no date) (which is a subject matter of Appeal Case No. 2420 of 2021), the Respondents have contended that a bare comparison of the same with the Information sought by the Appellant in RTI Application dated 21.06.2021 is *verbatim* similar to the one sought by him in his RTI Application dated 14.03.2021 (which is a subject matter of Appeal Case No. 3453 of 2021) and RTI Application dated 21.06.2021 (which is a subject matter of Appeal Case No. 3456 of 2021), respectively.
6. Upon taking serious note of the aforesaid contention, the Commission deemed it appropriate to call for the record of the aforesaid two Appeal Cases (i.e., Appeal Case No. 2518 of 2021 and Appeal Case No. 2420 of 2021) so as to verify the correctness of the said averment. Accordingly, upon perusal of the records and scrutinizing the contents of the aforesaid RTI Applications, details of which have been mentioned in the paragraph above, this Commission has observed that the contention raised by the Respondents regarding filing exactly similar RTI Applications more than once by the Appellant is absolutely correct and the same is duly proved from a side-by-side comparison of the respective RTI Applications.
7. The aforesaid conduct of the Appellant, not only amounts to abuse of process of law but also lines up in stark violation of the Statement of

Objects and Reasons with which the Right to Information Act was enacted by the Parliament. When confronted with the same the Appellant had no justification for his said act of filing repeated RTI Applications seeking *verbatim* identical information and bringing the said cases up till this Commission by filing Second Appeals.

8. At this juncture, without commenting upon the merits of each Appeal Case which is a part of the present Bunch, this Commission is of the firm view that such practices being adopted by the so-called activists and whistleblowers needs to be deprecated and it has to be ensured that the provisions of a beneficial legislation like the Right to Information is not misused by individuals to harass the Officials. Such abuse of the provisions of RTI Act has to be curtailed at any cost as it leads to paralysis and fear amongst the Public Authorities and Officers.
9. The Appellant cannot be permitted to overload a public authority by filing such similar RTI Applications which results in diversion of its resources disproportionately, merely for his personal gain. Dispensation of such information occupies majority of time and resource of any public authority; thus, this Commission is of the view that the same would be against the larger Public Interest.
10. The very act of the Appellant in suppressing the material fact regarding him already having been filed an identical RTI Application and also a Second Appeal which is pending before the Co-ordinate Bench of this Commission, makes the Appellant guilty of *suppressio veri suggestio falsi* i.e., suppression of material facts from this Commission in the present Appeal Cases.
11. When confronted with the aforesaid position the Appellant herein, could not provide a reasonable justification and reasons for filing such RTI Applications and seeking such wide range of information. Though this Commission is conscious of the fact that reason for seeking the information is not required to be furnished by the Applicant, however in view of the blatant abuse of process of the RTI Act at the hands of the present

Appellant, the same ought to be furnished by him. Reliance can be placed upon the Judgment passed by the Hon'ble Delhi High Court in the case titled as ***Rajni Maindiratta vs. PIO, Director of Education, WP***

(c) **No. 7911 of 2015** wherein it was held as follows:

“8. Even otherwise, this is a rare instance where the Authority constituted under the RTI Act to oversee the working and implementation of the said Act, namely the CIC, has itself found a person to be abusing the process of the RTI and the machinery created there under. The petitioner has not controverted, the factual aspect of making a number of RTI queries and preferring as many as 20 appeals to the CIC. Similarly, the petitioner has not been able to explain the reason, for which the information spanning over several decades, was sought. 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.”

12. It is further pertinent to mention herein that the Hon'ble High Court of Madras in the matter of ***Public Information Officer, Registrar (Administration) vs. B. Bharathi., W.P. No. 26781/2013*** dated 17.09.2014 has also given its opinion about such vexatious litigation crippling the public authorities and held as follows:

“... The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications;

...that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of

time and resource of any public authority, as it would be against the larger public interest..."

- 13.**Reference can also be made to the decision dated 12.06.2019 taken by the Central Information Commission in the case of **Amar Kumar Jha vs. Indian Army (File No : CIC/MODEF/A/2017/123387)** wherein it was held as follows:

'In view of the foregoing observations, Commission advises the Appellant to desist from misusing the provisions of RTI Act and wasting the time of the Commission and the public authorities. The repetitive filing of Appeals without any merit may compel the Commission to reject any further Appeals or Complaints filed by the Appellant.'

In view of the aforesaid observation(s) in various orders concerning the RTI Applications filed by the Appellant seeking information on repetitive matters, Commission strongly denounces this approach resulting in misusing the channel of RTI Act. The Appellant appears to be doing so despite the express knowledge of the fact that he is pursuing a matter of no larger public interest, rather concerning only his perceived personal grievance. It is appalling to note that the public authority is being unabashedly harassed by filing umpteen vexatious RTI Applications. It is also not clear as to what kind of information will satisfy the Appellant as it appears he is merely intending to compel the public authorities into addressing his grievances. This being the ulterior motive is manifest from the bare perusal of the queries of these RTI Applications.

The larger issue then here is the repetitive nature of these RTI Applications and the motivated attempt at putting the public authority as well as the Commission to test.

- 14.**In view of what has been observed and stated herein above this Commission considers this case to be a fit example of case of repetitive use of RTI assuming the proportion of harassment to the public authority and reckless abuse of RTI. The PIO is duly empowered to reject an RTI Application filed by an applicant or appellant repeating the same

application or appeal either once or multiple times, suppressing the fact of earlier application and receipt of the answer.

15. Though this Commission is conscious of the fact that there is no provision in RTI Act, 2005 to penalize the applicant for abusing the provisions of the Right to Information Act and unnecessarily burdening the respective Public Authorities with the such repetitive RTI Applications. However it is deemed appropriate that a strict direction needs to be passed in the facts and circumstances of the present case so as to curb the menace of abuse and misuse of the provisions of the RTI Act. That would find mention in the concluding parts of the present Judgment.

16. However, before parting with present Judgment this Commission deems it appropriate to also take up the remaining Appeal Cases forming part of the present Bunch which have been listed before this Commission as detailed in Paragraph No. 2 of the present Judgment. Upon going through the contents of the Information sought by the Applicant in the aforesaid Appeal Cases, the Commission has observed that the inherent purpose behind filing these RTI Applications is clothed with a color vendetta and intent to wreck vengeance against certain Officials and individuals, as even in the present Bunch of Appeal Cases, there is an element of repetition, whereby the Appellant has filed repeated and similar RTI Applications on identical subject matter for the reasons best known to him.

17. In Appeal Case No. 2057 of 2021 and Appeal Case No. 3464 of 2021 the Appellant has sought wide range of information regarding a Complaint Case titled as *Naresh Kumar vs. Mukhtiar Singh, SHO* filed by the Appellant himself before the Court of Ld. JMFC, Faridkot. Though in response to the same, the Public Information Officer O/o SSP Faridkot has already supplied the requisite information available with them and placed on record the letter to that effect before this Hon'ble Commission, however this Commission has observed that a harmonious and conjoint reading of both the RTI Applications which are a subject matter of the aforesaid two Appeal Cases pertains to

proceedings with respect to a case filed by the Appellant against Police Official/s before the Court of Ld. JMIC, Faridkot and the inherent purpose to file the said RTI Applications seems to be to pressurize and coerce the Police Officials with respect to a matter which is sub-judice before Court.

18. Thereafter in Appeal Case No. 3463 of 2021, the Appellant has sought information regarding certain service details such as appointment orders, pendency of criminal cases, etc., against certain Police Officers including SHO Mukhtiar Singh against whom he has already filed a complaint case before the Court of Ld. JMIC, Faridkot. Though this RTI Application has been duly replied by the Public Information Officer O/o SSP Faridkot and requisite information has been supplied, however the act of filing of the present RTI Application by the Appellant has to be taken with a pinch of salt, given the fact that he has already filed a criminal complaint against the said Official and the possibility of him filing the present RTI Application in order to wreck vengeance and pressurize the Police Official to toe his line cannot be ruled out, especially given his act and conduct which has been noted in the forgoing paragraphs of the present Judgment.

19. Further, in Appeal Case No. 3462 of 2021, the Appellant has filed an RTI Application whereby he has sought information pertaining to the appointment, etc. of PIO/APIO and all the RTI Staff in the SSP Office, Faridkot. The said Public Information Officer O/o SSP Faridkot has duly replied to the same vide letter dated 26.10.2021 which is a part of the record of the aforesaid Appeal Case, thus it does not warrant any further interreference by this Commission.

20. Similarly, upon perusing the contents of the two RTI Applications both dated 21.06.2021 which are a subject matter of Appeal Case No. 3453 of 2021 & Appeal Case No. 3454 of 2021 it is observed that the RTI Application forming a subject matter of Appeal Case No. 3453 of 2021 pertains to information sought regarding one Baj Singh,

Reader to SDM and his appointment details. Simultaneously the Appellant sought omnibus information qua the details of appointment, etc. of PIO/APIO and all the RTI Staff in the DC Office, Faridkot as he had asked for in RTI Application filed before the PIO, SSP, Faridkot as discussed, the forgoing paragraph.

21. Another set of interesting RTI Applications which have been filed by the present Appellant forms part of Appeal Case No. 3455 of 2021 and Appeal Case No. 3456 of 2021. From the RTI Application dated 21.06.2021 (Appeal Case No. 3456 of 2021) it is observed that the Appellant has sought information regarding certain Notary attested affidavits which have been filed in a Money Suit titled as *Naresh Kumar vs. Harish Chander* which has been filed by the Appellant. Similarly, in his RTI Application which is a subject matter of Appeal Case No. 3456 of 2021 the Appellant has sought information regarding declarations made by Harish Chander who was a candidate from Ward No. 8, Jaitu MC and also a Respondent in his Money Suit noted herein above.

22. This Commission has observed that the Appellant follows a *modus operandi* wherein firstly he files a Court case against certain individuals before the Hon'ble Court and thereafter during the pendency of such cases he files repeated RTI Applications before various Public Information Officers of the concerned Offices seeking wide range of omnibus information regarding the Respondents in the said cases as has been done by him. Firstly, in the criminal complaint filed by him titled as *Naresh Kumar vs. Mukhtiar Singh, SHO* wherein he sought information regarding service details/record of Mukhtiar Singh, SHO and other Police Officers. Similarly, he filed an RTI Application seeking details regarding one Harish Chander against whom he has filed a Money Suit titled as *Naresh Kumar vs. Harish Chander*. It only points towards once conclusion that the present Appellant has been indulging in filing the aforesaid RTI Applications so as to be able to settle his personal scores which is against the letter and spirit of the Right to Information Act itself.

23. So far as Appeal Cases No. 3457 of 2021, 3458 of 2021, 3459 of 2021, 3460 of 2021 & 3461 of 2021 are concerned, all them pertain to information sought by the Appellant regarding action taken in pursuance to certain complaints filed him before the Office of DGP, Punjab. In response to the respective RTI Applications the Public Information Officer O/o DGP, Punjab has duly submitted the reply and in view of the same this Commission is of the view that no interference is required at the Commission's end in the aforesaid Appeal Cases arising out of RTI Applications filed before the Public Information Officer O/o DGP, Punjab.

24. Another pertinent fact which this Commission has observed is that apart from the first Appeal Case (i.e., Appeal Case No. 2057 of 2021) forming part of the present Bunch all the remaining twelve Appeal Cases have been filed by the Appellant under the 'life and liberty' clause. However, upon going through the contents of each RTI Application, filed under the 'life and liberty' clause, the contents of which have been discussed in brief in the forgoing paragraphs, this Commission is of the firm view that none of the said RTI Application qualifies the criteria required to be met for an RTI Application to be filed under the 'life and liberty' clause. Thus, this Commission strongly deprecates the act of Appellant to wrongfully file the RTI Applications under 'life and liberty' clause when there is no element of imminent danger to life and liberty borne out from a bare reading of the said Applications. Reference can be made to the decision of the Hon'ble Central Information Commission in Appeal case no. Appeal No. CIC/SG/A/2012/000814 wherein it was held as follows:

Proviso of Section 7(1) states that where the information sought concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request. This provision has to be applied only in exceptional cases and the norm is that information should be provided within thirty days from the receiving date. Whether the information sought concerns the life or liberty of a person has to be carefully scrutinized and only in a very limited number of cases this

ground can be relied upon. The government machinery is not designed in a way that responses to all RTI Applications can be given within forty-eight hours. A broad interpretation of 'life or liberty' would result in a substantial diversion of manpower and resources towards replying to RTI Applications which would be unjustified. Parliament has made a very special exception for cases involving 'life or liberty' so that it would be used only when an imminent threat to life or liberty is involved.

The life or liberty provision can be applied only in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Liberty of a person is threatened if she or he is going to be incarcerated or has already been incarcerated and the disclosure of the information may change that situation. If the disclosure of the information would obviate the danger then it may be considered under the proviso of Section 7(1). The imminent danger has to be demonstrably proven. The Commission is well aware of the fact that when a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a better life. But in all such cases, the proviso of Section 7(1) cannot be invoked unless imminent danger to life or liberty can be proven.

The Commission has perused the RTI Application filed by the Appellant and has come to the conclusion that non-disclosure will not lead to an imminent threat to life or liberty of the Appellant.

25. Therefore, this Commission is of the view that a combined reading of the forgoing paragraphs leads to only one conclusion that the present set of Appeals are largely devoid of merit as the PIOs have already addressed the queries in the letter and spirit of RTI Act. The public authorities have spent considerable time and resources in responding to the RTI Applications. The Appellant is further advised to not cause a mockery of the spirit of the RTI Act by unnecessarily flooding the public authority with RTI Applications on the same matter involving no larger public interest. It is abundantly

made clear that any number of RTI Applications on the same issue will not alter the information that was held and parted with by the Respondents. The sheer volume of these Appeals/Complaints which are based on RTI Applications seeking frivolous and mundane information prove that the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. It is rather unfortunate that even the best of intentions have to not only stand the test of procedural requirements and fetters laid down in the RTI Act but also stand the test of practicality.

26. In view of the discussion contained in the forgoing paragraphs of this Judgment and in order to strike a fine balance between the interests of genuine information seekers, while keeping the menace of frivolous RTI Applicants under check, this Commission is of the view to **debars/ blacklist the present Applicant Sh. Naresh K Gupta from seeking any information under the RTI Act or file any First Appeal or Second Appeal under the same for a period of One year from the date of passing of the present Judgment.**

27. Accordingly, the present thirteen Appeal Cases detailed in Paragraphs No. 2 of the present Judgment are being disposed of in the aforesaid terms.

Copy of the decision be provided free of cost to the parties.

Chandigarh
Dated: 20.07.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

CC: The Deputy Registrar, PSIC