

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 0172 2864100
Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Shri Manjit Singh

s/o Shri Sohan Singh

House No. 388/3,

Dhandholian Road,

Patiala

....Appellant

Vs

Public Information Officer,

o/o State Transport Commissioner,

Sector 17,

Chandigarh. & others

....Respondents

126 - Appeal Case(AC)/Complaint Case(CC) No.AC 3523 of 2019,AC 3524 of 2019,AC 3526 of 2019,AC 3533 of 2019,AC 3534 of 2019,AC 3535 of 2019,AC 3536 of 2019,AC 3537 of 2019,AC 3840 of 2019,AC 3843 of 2019,AC 3844 of 2019,AC 3847 of 2019,AC 3848 of 2019,AC 3849 of 2019,AC 3850 of 2019,AC 3853 of 2019,AC 1688 of 2019,AC 1687 of 2019,AC 1686 of 2019,AC 1685 of 2019,AC 1695 of 2019, AC 1694 of 2019,AC 1693 of 2019,AC 1691 of 2019,AC 1689 of 2019,AC 1690 of 2019,AC 2053 of 2019,AC 3320 of 2018,AC 1533 of 2019,AC 1153 of 2019,AC 2348 of 2019,AC 2165 of 2019,AC 2166 of 2019,AC 2167 of 2019,AC 3845 of 2019,AC 3846 of 2019,AC 3527 of 2019,AC 3525 of 2019,AC 2346 of 2019,AC 2347 of 2019,AC 2339 of 2019,AC 2340 of 2019,AC 2341 of 2019 ,AC 1469 of 2019, AC 2163 of 2019,AC 4134 of 2019,AC 4133 of 2019,AC 4132 of 2019,AC 4131 of 2019,AC 4124 of 2019,AC 4123 of 2019, AC 4122 of 2019,AC 4121 of 2019,AC 2055 of 2019,AC 4532 of 2019,AC 4533 of 2019,AC 4534 of 2019,AC 4535 of 2019,AC 4536 of 2019,AC 4537 of 2019AC 4538 of 2019,AC 4539 of 2019,AC 4540 of 2019,AC 4541 of 2019,AC 4542 of 2019,AC 4543 of 2019,AC 4531 of 2019,AC 62 of 2019,AC 3928 of 2018,AC 3925 of 2018,AC 3923 of 2018,AC 3921 of 2018,AC 3917 of 2018,AC 3930 of 2018,AC 3932 of 2018,AC 61 of 2019, AC 1047 of 2019,AC 1046 of 2019,AC 1534 of 2019,AC 3924 of 2018,AC 1692 of 2019,AC 2342 of 2019,AC 2343 of 2019,AC 2158 of 2019,AC 2164 of 2019,AC 2168 of 2019,AC 2344 of 2019,AC 3931 of 2018,AC 2451 of 2019,AC 2452 of 2019,AC 2453 of 2019,AC 2454 of 2019,AC 2455 of 2019,AC 2456 of

2019,AC 4373 of 2019,AC 4374 of 2019,AC 4375 of 2019,AC 4376 of 2019,AC 4126 of 2019,AC 4127 of 2019, AC 4128 of 2019,AC 4129 of 2019,AC 4130 of 2019,AC 3852 of 2019,AC 3842 of 2019,AC 3839 of 2019,AC 3841 of 2019,AC 3838 of 2019,AC 3529 of 2019,AC 4125 of 2019,AC 1560 of 2019,AC 2171 of 2019,AC 3315 of 2018,AC 3319 of 2018,AC 2178 of 2019,AC 110 of 2020,AC 111 of 2020,AC 3538 of 2019,AC 3528 of 2019,AC 3837 of 2019,AC 3851 of 2019,AC 3317 of 2018, Appeal Case no. 824 of 2020, Appeal Case No. 826 of 2020, Appeal Case no. 827 of 2020 and Appeal Case no. 828 of 2020

Present:- None on behalf of the appellant.

Sh. Gurnam Singh, Assistant Transport Officer, Faridkot, Sh. Piara Singh, Assistant Transport Officer o/o State Transport Commissioner, Pb. Sh. Bhupinder Singh, Assistant Transport Officer, Bathinda, Sh. Gurcharan Singh Sandhu, Assistant Transport Officer, Sangrur, Sh. Gurpal Singh, A.P.I.O. o/o State Transport Commissioner, Sh. Hardial Singh, A.P.I.O. o/o Regional Transport Authority, Patiala, Shri Dharaminder Singh, Steno o/o Regional Transport Authority, Mohali, Shri Arvind Kumar, Secretary, Regional Transport Authority, Patiala, Ms Anu Sharma o/o State Transport Commissioner, Pb. On behalf of the respondents.

That a full bench comprising of CIC Suresh Arora, SIC PreetiChawla and SIC Khushwant Singh is hearing one hundred and twenty two cases of the appellant Sh. Manjit Singh versus the Transport Department, Punjab along with its field offices.

2. That this was necessitated after the Commission observed that Sh. Manjit Singh had filed numerous RTI applications in the office of the Regional Transport Offices, Punjab as well as at Punjab Transport Department's headquarters in Chandigarh. Aggrieved at not getting the information, or not getting it as per his satisfaction from the PIO or the first appellate authority, the petitioner preferred to file appeal/complaint in the Punjab State Information Commission for redressal.

3. That in accordance with the observation that numerous appeals have been filed, the Commission ordered an internal audit of the total number of presently open or ongoing cases of Sh. Manjit Singh.

4. That it was found that the audit yielded a staggering figure of 122 on going cases relating to Transport Department.

5. That when the figure was a staggering one hundred and twenty two and that there were numerous cases of similar nature, albeit of different districts with different State Information Commissioners, the Commission found it imperative to explore whether these RTI applications were indeed of huge public interest or there was a requirement to harmonize the functioning between the public authority, the public-spirit of the appellant and the spirit of the RTI Act, as mentioned in the preamble of the Act, which seeks as much disclosure as possible, but keeping in mind the harmony, the practicality, optimum use of fiscal resources and confidentiality of sensitive information.

6. That the Commission also felt, that given the number of cases with different benches it was vital to bring commonality, as well as avoid duplication or variance in orders, after which it decided to set up a full bench comprising of CIC Suresh Arora, SIC PreetiChawla and SIC Khushwant Singh to hear all the cases pertaining to applicant Sh. Manjit Singh.

7. That during the course of hearing of the one twenty two cases the same appellant filed another four cases related to the Transport Department i.e. Appeal Case No. 824 of 2020, Appeal Case No. 826 of 2020, Appeal Case No. 827 of 2020 and Appeal Case No. 828 of 2020 - That these cases have been clubbed with other similar these cases, as both the parties being the same, taking the total number of cases under consideration to 126.

8. That the various respondents of the Transport Department, Punjab had sought time to file their replies as they claimed that the RTI

applications were humongous in nature and they needed more time to file their respective replies.

9. That at the same hearing the appellant was asked by the full bench to bring clarity as to the larger 'Public Interest' the disclosed information would serve. He was given time to file a written reply as to how each and every application of his was in larger 'Public Interest' and its disclosure would do yeoman service in bringing transparency in the functioning of the Transport Department.

10. That the various respondents were given three weeks and asked to file their response at least seven days prior to the date fixed for hearing i.e. 26.3.2020 but the cases could not be heard due to Covid 19 pandemic and were adjourned to 8.6.2020.

11. That at the hearing today i.e. 8.6.2020 the larger question before this bench is to strike a balance between the implementation of the Right to Information Act, 2005 in its true spirit and the functioning of the public authorities without it getting bogged down by a plethora of RTI applications by one person.

12. That the bench felt that the answer to this question lay in the test that whether in the disclosure of information to so many RTI applications of one individual, a larger public interest is served or not? And if it did, were the public authorities wrong in denying the appellant information on grounds of it being voluminous.

13. That the answer to this test can be found in the various judgments of the Hon'ble Supreme Court of India on matters of what amounts to Public Interest and how to understand cases of appellants who file numerous RTI applications.

14. Keeping the above facts in mind the first test that the Commission put itself through was to understand that since the petitioner has been filing RTIs since many years, and there may be hundreds of RTIs for

which he has got information, what 'Public Interest' had come out of the information that he has sought over time?

15. This was a question that the bench even asked from the appellant during the hearing on 27.02.2020 in its attempt to understand the public interest, which his previous RTIs might have led to and subsequently the disclosure in the present cases will also lead to.

16. The appellant neither had any answer nor was there anything on the file to help the bench understand that the information being sought was indeed in larger public interest.

17. This test led the bench to further examine that if no visible public interest has come out of his various RTI applications as what has been the outcome of the information that the petitioner has been collecting at the cost of so much time & resources of the various public authorities, transport department in this case.

18. That is the seeker merely a busy body and collector of information? Is it, that the information is being used for merely private interest?

19. However, the bench thought that it is imperative and part of natural justice to give the petitioner another opportunity to help the bench understand as to how his one hundred twenty six RTI applications will lead to a larger public interest and transparency in the Transport Department, Punjab.

20. The appellant in spite of the opportunity provided absented himself on the date of hearing. He has neither submitted anything that could be brought on the file to establish that the information he is seeking will serve a larger public interest. Through a handwritten letter, received through email in the Commission and taken on record, he has requested for the next date of hearing because he was suffering from pain. The appellant who was directed to submit the response atleast seven days prior to the next date has submitted no such response except the above

mentioned email (dated 8.6.2020), which other than seeking an exemption has no mention of the larger public interest in his RTI applications.

21. The larger bench was in a vexed state as to whether to take a wholesome decision in all the cases, or take each case separately as every case had reached some stage of finality since various commissioners were hearing these and interim orders had already been passed? Some decisions of the single benches had been implemented, some are yet to be implemented and some have been implemented from the course of the first hearing till now.

22. Also, given the complexity of so many cases, the Commission thought it prudent to take cognizance where the public authority has failed to uphold the RTI Act and the orders of the Commission. Keeping all these complexities in mind the full bench then took a decision to categorize these cases and club cases of similar nature to arrive at finality with commonality.

23. That the hearing of today is in continuation of the hearing of 26.02.2020. The representative(s) of the respondents are present and state the following at the hearing:-

That the appellant has filed 126 number of 2nd appeal/complaint cases which are pending for hearing in the Commission that relates to the field offices of the Transport Department, out of which 78 cases relates to the Patiala district only. Representative of the respondents also states that in the number of hearings, the respondents or their representative had attended the hearings whereas the appellant remained absent in the number of hearings for one reason or the other, just to harass the public authorities. In addition to the above, the representative of the respondents states that the respondents have to come from far off places due to which government work suffers. Furthermore, representative of the respondents states that the primary duty of the departmental officers is the

enforcement so that there should not be an illegal operation of vehicles in the State to save the state exchequer, but regularly attending the cases in the Commission, is not in the larger public interest when a particular person has filed large number of cases. Representative of the respondents further states that even though in number of applications, the appellant has been advised to inspect the record so that the copies of the same can be supplied within time frame under the provisions of the RTI Act, but the appellant is not inspecting the office record pertaining to his RTI applications in large number of cases. In addition to the above, the respondents also states that there are number of application in which the information is being sought repeatedly. The respondents further states that in almost all these cases they have also filed the reply, which is taken on record. In addition to the above, the representative(s) of the respondents state that the appellant has filed similar application by changing the dates etc. that makes it voluminous information or 3rd party information and the public authority has to create the same in most of the cases, which is not according to the provisions of the RTI Act.

The representative of the respondents also referred to the instructions of DOPT circulated vide their letter dated 1/18/2011/IR dated 16.09.2011 stating that “the undersigned is directed to invite attention to this Department’s O.M.No.1/4/2009-IR dated 5.10.2009 whereby a guide on the Right to Information Act, 2005 was circulated para 10 of Part 1 of the Guide, inter alia, stated that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

The representative of the respondents further stated that the same issue has been elaborated by the Supreme Court of India in the matter of Central Board of Secondary Education &Anr. Vs. AdityaBandopadhyay&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 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".

Further, the representative of the respondents stated that the Appellant/information seeker has sought the information which needs to be created/manufactured and collated for supplying the same directly to the information-seeker. The Hon'ble Supreme Court has time and again said that the information envisaged under the Act is that which is available on the records of a public authority. Their Lordships held that though an information-seeker is entitled to all the information available on the records of public authority, no public authority is supposed to create or manufacture information for the benefit of the information seeker. This is the crux of the judgment rendered by the Hon'ble Supreme court of India.

In some points the information-seeker has sought information by raising questions, how many, how much etc. which is not available on

record of the public authority and cannot be supplied by the PIO as per the provisions of the RTI Act, 2005.

Information sought by the appellant is voluminous and is to be collected from other public authorities working under its control and is exempted under Section 7(9) of the RTI Act, 2005, which speaks, "An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of public authority or would be detrimental to the safety or preservation of the record in question.

The representative of the respondents has further drawn the attention of the Commission towards the decision 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."

Further, the representative of the respondents stated that the appellant has failed to establish any public interest for seeking such voluminous information from the Secretary, Regional Transport Authorities including the Ferozpur, thereby, requesting for the closure of all the cases in public interest.

24. After hearing the detailed submissions of the respondents, 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. To highlight this larger issue, it is imperative to refer to certain observations of the Commission in this regard including the judicial decisions mentioned by the respondents.

In one of the decision given by the Central Information Commissioner in File No. CIC/AD/A/2013/001326–SA decided on 25.06.2014 ".....The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authorities. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will also be growing."

Similarly, File Nos. CIC/SG/C/2011/000760,CIC/SM/A/2011/ 000926/SG,CIC/SM/A/2011/001111/SG,CIC/SG/A/2011/002909 decided on 17.1.2012 ".....At this juncture the Commission would like to mention that though the right to information is a fundamental right of the citizens, it cannot be used indiscriminately to fulfill the demands of one individual. In the present matter, it must be noted that the Complainant is pursuing multiple litigation and various public authorities are being asked to divert an extraordinarily disproportionate amount of resources just to respond to hundreds of RTI applications filed by him.

25. The following cases were heard today and proceedings are as follows:-

(a) Similar type of 17 cases : AC 3523 of 2019, AC 3524 of 2019, AC 3526 of 2019, AC 3533 of 2019, AC 3534 of 2019, AC 3535 of 2019, AC 3536 of 2019, AC 3537 of 2019, AC 3840 of 2019, AC 3843 of

2019, AC 3844 of 2019, AC 3847 of 2019, AC 3848 of 2019, AC 3849 of 2019, AC 3850 of 2019, AC 3853 of 2019, AC 3837 of 2019

In the above said cases, the appellant is merely changing the date(s) in the RTI application or the authority name, and the information sought largely remains the same.

The Commission observes that the information sought by the appellant is voluminous and/or relates to third party. The similar application has been decided by the Punjab State Information Commission in Appeal Case No. 3766 of 2019, hence, the directions are issued to the respondents to provide the copies of challan, its receipt and the receipt vide which the amount has been deposited in the bank to the appellant within four weeks from the date of issue of this order and compliance report be sent to the Commission. With this direction, these cases are disposed of and closed.

(b) Similar type of 34 cases – AC 4134 of 2019, AC 4133 of 2019, AC 4132 of 2019, AC 4131 of 2019, AC 4124 of 2019, AC 4123 of 2019, AC 4122 of 2019, AC 4121 of 2019, AC 2055 of 2019, AC 4532 of 2019, AC 4533 of 2019, AC 4534 of 2019, AC 4535 of 2019, AC 4536 of 2019, AC 4537 of 2019, AC 4538 of 2019, AC 4539 of 2019, AC 4540 of 2019, AC 4541 of 2019, AC 4542 of 2019, AC 4543 of 2019, AC 4531 of 2019, AC 62 of 2019, AC 3928 of 2018, AC 3925 of 2018, AC 3923 of 2018, AC 3921 of 2018, AC 3917 of 2018, AC 3930 of 2018, AC 3932 of 2018, AC 61 of 2019, AC 1047 of 2019, AC 1046 of 2019, AC 3931 of 2018.

The above said cases relate to various districts like Patiala, Bathinda, Sangrur, Faridkot etc. in which the appellant has sought the information related to vehicle registration numbers i.e. form No. 24 of each vehicle and/or complete documents submitted by the vehicle owner at the time of application for registration of vehicle and/or the computer

ID of the Clerk/Data Entry Operator who entered the data, Sale letters etc.

Shri Bhupinder Singh, ATO states that in the, Appeal Case No. 3917 of 2018, Appeal Case No. 3921 of 2018, Appeal case no. 3923 of 2018, Appeal Case No. 3925 of 2018 and Appeal Case No. 3928 cited above, the information has already been supplied by the Sub Divisional Magistrate, Maur, Bathinda being the custodian of the record.

On the perusal of the record, it transpires that the complete information in above mentioned cases has been supplied to the appellant and only penalty amount that has been enhanced from Rs.5000.00 to Rs.25000/- remains to be recovered.

After going through the record of the above mentioned cases, it transpires that the Sub Divisional Magistrate, Maur was impleaded as necessary party on 30.1.2019. Further on 26.3.2019, due to non appearance of the Public Information Officer a show cause notice was issued and on the next date of hearing i.e. 24.4.2019 penalty of Rs.5000.00 was imposed on the Public Information Officer. Again on 24.6.2019 a compensation of Rs.5000.00 was awarded to the appellant when the two representatives of the respondents were present and submitted the letter bearing no. 1250/RTI dated 21.6.2019 in which they have stated vide their letter no. 824 dated 18.4.2019 that the hearings in these cases be postponed after the elections are over as the work of the parliamentary elections was in full swing and requested to waive off the imposed penalty.

On 19.8.2019 again the respondents were present and brought the requisite information along with them to be handed over to the appellant but the appellant remained absent. But on the next date of hearing i.e. 30.9.2019 the Public Information Officer was transferred. This fact was also brought to the notice of the Commission and the representative of the respondents remained present and the appellant remained absent. On

23.10.2019 the penalty amount was increased from Rs.5000.00 to Rs.25000.00 collectively in all the five cases, since the earlier order of penalty dated 24.4.2019 was not complied with by the respondent.

The Commission while examining these case files takes the cognizance of this fact that when the penalty was enhanced from Rs.5000 to Rs.25000 due to non-compliance, Sub Divisional Magistrate, -cum- Public Information Officer had been transferred and Parliamentary Elections 2019 were being conducted, information had been provided and the earlier order of penalty of Rs.5000 and compensation of Rs.5000 has since been complied with by the respondent.

As such keeping in view the totality of the circumstances, the Commission hereby withdraws the earlier order for enhancement of penalty dated 23.10.2019.

Since, the information has been supplied, no more cause of action is left in these cases, accordingly, the cases are disposed of and closed.

The representative of the respondents - ShriGurnam Singh, ATO Faridkot states that the appellant was requested number of times to get the files inspected but the appellant never came for inspection in Appeal Case No. 4121/2019, Appeal Case No. 4122 of 2019, Appeal Case No. 4123 of 2019 and Appeal Case No. 4124 of 2019. Copies of letter(s) dated 30.1.2020, 10.2.2020 submitted by the respondents are taken on record. The representative of the respondents further states that even the Commission ordered the appellant in these cases to inspect the record but the appellant never came for inspection. In addition, the representative of the respondents also states that the information relates to 3rd party and it is not in the larger public interest to share the details/documents of vehicle owners but still the respondents are ready for the inspection in case the appellant wants so that the government work may not suffer. The representative of the respondents further states that with regard to the information related to Form 24 of vehicles registration, most of it is

available on the website of Government of India i.e. www.parivahan.gov.in in which the registration number, engine number, chassis number etc. of each vehicle is available on the website.

After hearing the respondents and going through the record, it has been ascertained that the information related to Form 24 of vehicles registration, is available on the website of Government of India i.e. www.parivahan.gov.in/rcdlstatus/ from which anybody can get the information of any vehicle registered in India i.e. the registration number, engine number, chassis number etc. of each vehicle. Rest of the information relating to the vehicles is also available on the respective website of the vehicle manufacturers. With regard to the status whether the vehicle is hypothecated or not, which is part of Form 24, the bench is of the view that the same cannot be provided to the appellant since the information relates to the finances of an individual and is clearly personal in nature. Section 8(1)(j) is very clear that there is no obligation on the information officer to give personal information, disclosure of which has no relationship with public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the authority is satisfied that larger public interest justifies the disclosure of this information. In fact in future if the public authority has to hand out information regarding Form 24, the PIOs are instructed to apply section 10 of the RTI Act to sever the financial information from the form. unless they see a larger public interest in revealing the entire information.

Since, the appellant can access the rest of information, barring whether the vehicle is hypothecated or not, from the website mentioned above the bench sees no further course of action in these cases. As such these cases are disposed of and closed.

(c) Similar type of 9 cases -Appeal Case No. 2453 of 2019, Appeal Case No. 2452 of 2019, Appeal Case No. 2454 of 2019, Appeal Case No.

2455 of 2019, Appeal Case No. 2456 of 2019, Appeal Case No. 2451 of 2019, Appeal Case No. 2342 of 2019, Appeal Case No. 2343 of 2019, Appeal Case No. 2344 of 2019.

Sh. Hardial Singh, APIO states that the appellant had not submitted the ID proof with his RTI application and the same was rejected on the grounds that ID proof was not attached with the RTI applications as held by the Hon'ble Punjab & Haryana High Court in CWP No. 4787 of 2011 titled Fruit and Merchant Union Vs Chief Information Commissioner, Punjab. Reply filed by the respondent in the above said cases is taken on record. The representative of the respondents also states that vide the above said requests the appellant has sought the 3rd party information which cannot be provided under the provisions of the RTI Act. The representative of the respondents states that the letters were written to the respective dealers but representatives of the dealers appeared in their office and stated that their information should not be shared with anybody. Hence, the respondent office has shown its inability to provide the information under RTI Act, 2005 under Section 11 sub section (1).

After going through the record of the case files and submissions of the respondents the Commission observes that the information relates to 3rd party, the sharing of details of which has been objected to by them, as sought by the appellant. However, 3rd party information is not a part of exemptions as enumerated under Section 8 of the RTI Act. It is a mandatory procedure to follow as per Section 11 of the Act where the information relates to 3rd party. Public Information Officer is at liberty to overlook the objections, if any, and can decide to provide the information, if such disclosure involves 'Larger Public Interest'. In view of non establishment of larger public interest involved in seeking the information by the appellant, no more action is required to be taken in these cases.

Hence, all the nine cases mentioned above are hereby disposed of and closed.

(d) Similar type of 18 cases : Appeal Case No. 1533 of 2019, Appeal Case No. 1153 of 2019, Appeal Case No.2348 of 2019, Appeal Case No. 4125 of 2019, Appeal Case No. 2165 of 2019, Appeal Case No. 2166 of 2019, Appeal Case no. 2167 of 2019, Appeal Case No. 3845 of 2019, Appeal Case No. 3846 of 2019 , Appeal Case no. 3527 of 2019, Appeal Case No. 3525 of 2019, Appeal Case No. 2346 f 2019, Appeal Case No. 2347 of 2019, Appeal Case No. 2339 of 2019, Appeal Case No. 2340 of 2019, Appeal Case No. 2341 of 2019, Appeal Case No. 1469 of 2019, Appeal Case No. 2163 of 2019

The appellant has sought the information regarding number of permanent driving licences, ID of the computer operator, recording of CCTV, complete forms submitted by the applicants for issuance of driving licence etc.

In this regard, the representative of the respondents states that the information being sought by the appellant is either 3rd party information or in question form/has to be created, voluminous etc. which is not readily available in the office of the respondents. The representative of the respondents further states that even though to save the time and energy of the respondent authorities in the public interest, the appellant was advised to inspect the record but he has never inspected the official record in number of cases. The representative of the respondents further states that the information pertaining to the Driving licence as has been sought by the appellant in most of the cases, can be seen/ downloaded from the website www.parivahan.gov.in by just entering the driving licence number and date of birth.

After going through the record of the case files and submissions of the respondents the Commission accepts the plea taken by the respondents to deny the 3rd party information i.e. the complete forms of

applicants for the issuance of the Driving Licence as the appellant has neither established any larger public interest nor any submissions have been made in this regard. Since, the sufficient information has already supplied to him, the Commission is of the view that no more action is required to be taken in these cases.

Hence, all these cases are disposed of and closed.

However, the respondents are directed to examine and as a proactive disclosure put required information on the website of the department in compliance of Section 4(1) of the RTI Act under intimation to the Commission.

(e) Similar type of 13 cases - Appeal Case No. 1688 of 2019, Appeal Case No. 1687 of 2019, Appeal Case No. 1686 of 2019 Ac 1685 of 2019, Appeal Case No. 1695 of 2019, Appeal Case No. 1694 of 2019, Appeal Case No. 1693 of 2019, Appeal Case No. 1691 of 2019, Appeal Case No. 1689 of 2019, Appeal Case No. 1690 of 2019, Appeal Case No. 2053 of 2019, Appeal Case No. 3320 of 2018, Appeal Case No. 3924 of 2018.

The Commission considered the cases in light of the submissions of the respondents who claimed that the appellant has filed the same application, on the same subject, to same public authority by just changing the date. According to the respondents the appellant files 13 separate cases just to harass and trick the public authority so that the information should not appear voluminous. The information has been supplied in most of the cases but no doubt, as per the submissions of the respondents cited above, the resources of the public authority are being diverted disproportionately whereas the appellant has not established the larger public interest and no submissions have been made by him. The Commission notices from the record on file that in most of the cases the information has already been provided despite the fact that the appellant has not established the larger public interest. Commission is of the view that in these cases no more action is required to be taken.

Hence, all the cases are disposed of and closed.

(f) Similar type of 6 cases – Appeal Case No. 3852 of 2019, Appeal Case No. 3842 of 2019, Appeal Case No. 3839 of 2019, Appeal Case No. 3841 of 2019, Appeal Case No. 3838 of 2019, Appeal Case No. 3529 of 2019.

The Commission considered the cases in light of the submissions of the respondents and according to the record available on the case file, it transpires that the applicant's main motive to seek the information is just to harass the public authority. This is also a fact, as per the record available on the case files that the applicant has sought the information by changing the dates and the rest of the contents of his applications are almost similar. This has been clearly done to make voluminous information appear less voluminous.

Furthermore, the Commission is of the view that the information like ID of the employee/ computer operator should never be shared with anybody being sensitive information. With regard to other information i.e. in one instance, the complete scanned record in case the weight of the truck has been increased from 22.4.2019 to 30.4.2019, the name and ID of the employee/computer along with the list of each employee who has entered the data, date wise along with the list of truck numbers. According to the information sought it becomes voluminous, cumbersome and has to be created as per the version of the respondent.

As such the Commission is of the view that the appellant has sought the voluminous information which cannot be provided to him by diverting the resources of the public authorities when the appellant neither established any larger public interest nor made any submissions with regard to the cases fixed for hearing even though the public authority called the appellant for inspection. Accordingly, the Commission concludes that no more action is required to be taken in these cases, hence, the cases are disposed of and closed.

(g) Appeal Case(AC)/Complaint Case(CC) – 29 cases No. AC 4373 of 2019, AC 4374 of 2019, AC 4375 of 2019, AC 4376 of 2019, AC 4126 of 2019, AC 4127 of 2019, AC 4128 of 2019, AC 4129 of 2019, AC 4130 of 2019, AC 3529 of 2019, AC 1560 of 2019, AC 2171 of 2019, AC 3315 of 2018, AC 3319 of 2018, AC 2178 of 2019, AC 110 of 2020, AC 111 of 2020, AC 3538 of 2019, AC 3528 of 2019, AC 3851 of 2019, AC 3317 of 2018, Appeal Case no. 824 of 2020, Appeal Case No. 1534 of 2019, Appeal Case No. 1692 of 2019, Appeal Case No. 2158 of 2019, Appeal Case No. 2164 of 2019, Appeal Case No. 2168 of 2019, Appeal Case No. 826 of 2020, Appeal Case no. 827 of 2020 and Appeal Case no. 828 of 2020

The appellant is not present today and has neither sent written submission establishing Public Interest nor any deficiency/objection in the information so supplied by the respondents. The representative of the respondents states that the information being sought by the appellant is becoming voluminous day by day as he is filing vague applications. He further states that large number of cases relate to the matter between employee and the employer. He further states that in some cases the applicant deliberately files a complaint against the departmental officers alleging corruption with the intention of coercing officers/officials to accept his work place malpractices as he is working in the District Court. The representative of the respondents further mentioned that FIR No. 88 dated 18.3.2014 u/s 420, 467, 468, 471 related to forgery, creation of fake documents etc. and FIR No. 97 dated 17.5.2019 u/s 307, 353, 186, 379, 427, 506 related to SC & ST Act regarding vandalism, attack on the government employees during working hours etc. have been registered against the appellant. Furthermore, the representative of the respondents states that since then he is harassing the public authority he should be debarred or ordered to restrain from filing a large number of applications.

The representative of the respondents has further drawn the attention of the Commission towards the decision of Hon'ble Supreme Court of India in *Canara Bank Vs C.S. Shyam & ors* 2017 (4) RCR (Civil) 292, the relevant portion of the judgement is reproduced below:-

"12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment, etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right. "

The above said cases were also considered as per the submissions of the respondents that the primary information relates to the 3rd party and/or the matter between the employees and the employer, also the information sought is voluminous, has to be created which is not being maintained in the office of the public authority, referred to above in detail. According to the submissions of the respondents it transpires that most of the time the respondents have given full opportunity to inspect the record but he has never gone for the inspection in a number of cases.

Also the Commission is of the view that the information relates to the 3rd party and it is very difficult for the respondent authority to approach all the 3rd parties and get their response making it voluminous exercise in nature leading to diversion of public resources disproportionately. With regard to the matter between employee and the employer, the Commission accepts the plea of the respondents in accordance with the decision given by the Hon'ble Supreme Court of India referred to above.

26. The foregoing stance can be more so exemplified in the matter of Rajni Maindiratta- Vs Directorate of Education (North West - B) [W.P.(C) No. 7911/2015] wherein 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 law is being abused, the same becomes 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."

A more cogent rationale can be drawn in the facts of the present matter by referring to the matter of Shail Sahni vs Sanjeev Kumar [W.P.(C) 845/2014] wherein the Hon'ble High Court of Delhi has held that:

"...In the opinion of this Court, the primary duty of the officials of Ministry of Defence is to protect the sovereignty and integrity of India. If the limited manpower and resources of the Directorate General, Defence Estates as well as the Cantonment Board are devoted to address such meaningless queries, this Court is of the

opinion that the entire office of the Directorate General, Defence Estates Cantonment Board would come to stand still."

"This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law."

27. After considering the submissions of the respondents, the Commission is of the view that neither any larger public interest has been established by the appellant nor any submissions have been made with regard to the RTI applications. In such circumstances all the cases are disposed of and closed. The Commission would not like to take into account two criminal cases being faced by the appellant, the matter being sub judice/under investigation.

28. Moreover, a large part of the bench's test answer of the Act lies in the preamble itself and in Hon'ble Supreme Court of India's order In Central Board of Secondary Education (CBSE) & Anr vs Aditya Bandhopadhyay and Others in 2011, the Supreme Court said: "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."

29. Keeping in view the above cited reasons and the prevalent judicial decisions the Commission comes to the conclusion that the appellant is not only burdening the resources and functioning of the public authority and the Commission, but is filing vexatious RTIs which are leading to no public interest.

30. The Commission will appreciate if the appellant does not file such a huge number of RTI applications in the future which do not lead to any public interest, but on the contrary obstructs the smooth functioning of the public authorities.

Sd/- (Khushwant Singh) State Information Commissioner Punjab	Sd/- (Mrs. Preety Chawla) State Information Commissioner, Punjab	Sd/- (Suresh Arora) Chief Information Commissioner, Punjab
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Dated 8.6.2020