

PUNJAB STATE INFORMATION COMMISSION

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

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Whatsapp No. 6284820189



Sh. Ajay Nand, 9814646309,
C 118, East Mohan Nagar,
Chamrang Road, District Amritsar

....Appellant

Vs

Public Information Officer,
o/o Chief Minister, Punjab,
Punjab Civil Secretariat-1,
Chandigarh.

First Appellate Authority
o/o Chief Minister, Punjab,
Punjab Civil Secretariat-1,
Chandigarh.

....Respondents

Appeal Case No. 2599 of 2020

ORDER

The RTI application is dated 24.2.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 19.6.2020 and second appeal was filed in the Commission on 11.9.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 19.11.2020 but could not be heard due to administrative reasons and the case was adjourned to 14.12.2020. On the said date after hearing both the parties, the case was reserved to be pronounced.

2. The appellant has sought the following information from the respondent-Public Information Officer:-

1. ਇੱਥੇ ਸੂਚਨਾ ਦਿਤੀ ਜਾਵੇ ਕਿ ਉਕਤ ਸੀ ਡੀ ਵਿਚ ਮਾਨਯੋਗ ਮੁੱਖ ਮੰਤਰੀ ਪੰਜਾਬ ਵਲੋਂ ਭਾਸ਼ਨ ਵਿਚ ਕਿਹਾ ਗਿਆ ਸੀ ਕਿ ਮੈਂ ਪੰਜਾਬ ਵਿਚ 5500 ਸਕੂਲ ਸਮਾਰਟ ਬਣਾਏ ਹਨ ਇੱਥੇ 5500 ਸਕੂਲਾਂ ਦੀ ਲਿਸਟ ਦੀਤੀ ਜਾਵੇ ਜੀ ਅਤੇ ਇੱਥੇ ਕੋਹੜੇ-2 ਜਿਲ੍ਹਿਆਂ ਵਿਚ ਬਣਾਏ ਹਨ ਦਸੀਆਂ ਜਾਵੇ ਨਾਲ ਹੀ ਇੱਥੇ ਸਕੂਲਾਂ ਦੀਆਂ ਫੋਟੋਵਾਂ ਦਿਤੀਆਂ ਜਾਣ ਜੀ ਤਾਂ ਜੋ ਪਤਾ ਲਗ ਸਕੇ ਕਿ ਕਿਨੇ ਸਮਾਰਟ ਸਕੂਲ ਬਣਾਏ ਗਏ ਹਨ ।
2. ਇੱਥੇ ਸੂਚਨਾ ਦਿਤੀ ਜਾਵੇ ਕਿ ਉਕਤ ਸਕੂਲ ਸਮਾਰਟ ਬਣਾਣ ਬਾਬਤ ਕਿਸ-ਕਿਸ ਨੂੰ ਟੈਂਡਰ ਦਿਤੇ ਹਨ ਅਤੇ ਇੱਥੇ ਬਾਬਤ ਜੋ ਸਰਕਾਰ ਵਲੋਂ ਜੋ ਖਰਚਾ ਕੀਤਾ ਹੈ ਇੱਥੇ ਬਾਬਤ ਸਮੁੱਚੇ ਰਿਕੌਡ ਦੀਆਂ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
3. ਇੱਥੇ ਸੂਚਨਾ ਦਿਤੀ ਜਾਵੇ ਕਿ ਉਕਤ ਸੀ ਡੀ ਵਿਚ ਕਿਹਾ ਗਿਆ ਕਿ ਮੈਂ ਇੰਡਸਟਰੀ ਵਿਚ 5/6 ਰੁਪਏ ਯੂਨਿਟ ਬਿਜਲੀ ਦਿਤੀ ਹੈ ਇੱਥੇ ਬਾਬਤ ਜੋ ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ ਜੋ 5/6 ਰੁਪਏ ਯੂਨਿਟ ਦੇਣ ਬਾਬਤ ਜੋ ਆਰਡਰ ਕਿਤੇ ਹਨ ਇੱਥੇ ਬਾਬਤ ਸਮੁੱਚੇ ਰਿਕੌਡ ਦੀਆਂ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
4. ਇੱਥੇ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ ਜੋ ਪੰਜਾਬ ਦੇ ਵੱਖਰੇ-2 ਕੋਹੜੇ-2 ਜਿਲ੍ਹਿਆਂ ਵਿਚ ਕਮਰਸੀਅਲ ਅਤੇ ਰੈਜ਼ੀਡੈਂਸ ਘੱਟ ਰੇਟਾਂ ਬਿਲ ਬਿਜਲੀ ਵਸੂਲਣ ਬਾਬਤ ਪੰਜਾਬ ਸਰਕਾਰ ਜੋ ਆਰਡਰ ਕੀਤੇ ਹਨ ਉਹਨਾਂ ਆਡਰਾਂ ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
5. ਇੱਥੇ ਸੂਚਨਾ ਦਿਤੀ ਜਾਵੇ ਕਿ ਉਕਤ ਸੀ ਡੀ ਵਿਚ ਕਿਹਾ ਗਿਆ ਕਿ ਮੈਂ ਪੰਜਾਬ ਵਿਚ 1100000 ਗਿਆਰਾਂ ਲੋਕ ਨੌਕਰੀਆਂ ਦੀਤੀ ਹਨ ਇੱਥੇ ਨੌਕਰੀਆਂ ਕਿਸ-ਕਿਸ ਸਰਕਾਰੀ ਮਹਿਕਮੇ ਵਿਚ ਦੀਤੀਆਂ ਗਈਆਂ ਹਨ ਅਤੇ ਕਿਸ ਕਿਸ ਕੋਟਾਗਿਰੀ ਨੂੰ ਦੀਤੀਆਂ ਗਈਆਂ ਹਨ ।
6. ਉਕਤ ਨੌਕਰੀਆਂ ਦੇਣ ਬਾਬਤ ਜੋ ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ ਆਰਡਰ ਕੀਤੇ ਗਏ ਹਨ ਇੱਥੇ ਦੀਆਂ ਅਤੇ ਇੱਥੇ ਨਾਲ ਸਬੰਧਿਤ ਸਮੁੱਚੇ ਰਿਕੌਡ ਦੀਆਂ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
7. ਪਿਛਲੀ ਇਲੈਕਸ਼ਨ 2017 ਵਿਚ ਸੀ ਐਮ ਸਾਹਿਬ ਵਲੋਂ 5 ਰੁਪਏ ਯੂਨਿਟ ਬਿਜਲੀ ਪੰਜਾਬ ਨੂੰ ਦੇਣ ਦਾ ਵਾਦਾ ਕੀਤਾ ਸੀ ਇੱਥੇ ਬਾਬਤ ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ ਵਾਦਾ ਪੂਰਾ ਕੀਤਾ ਹੈ ਤਾਂ ਉਸ ਆਰਡਰ ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀ ਦੀਤੀ ਜਾਵੇ ਜੀ ।

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3. During the hearing on 14.12.2020, the representative of the respondents stated that the appellant has already been informed vide letter No. CMO-GENORTI/8/2020-GA4/939 dated 13.3.2020 that the sought information relates to the various departments. The representative of the respondents also relied upon the instructions issued by the Ministry of Personnel, Public Grievances and Pensions, Personnel and Training Department, New Delhi vide No. 10/2/2008/IR dated 12.6.2008 and 10/2/08-1 IR dated 24.9.2010 and accordingly the appellant has been guided/apprised by the respondent-Public Information Officer. The letter bearing No. 1323 dated 29.5.2020 was again written to the appellant that the information relates to the various departments and his (appellant's) RTI application cannot be transferred to various public authorities under Section 6(3) of the RTI Act, 2005. However, the appellant contended that the instructions may be issued to the respondent-Public Information Officer to supply the same after its collection from various public authorities. He has also contended that in case the respondent-Public Information Officer does not have the information, the office should have transferred the RTI application to the various public authorities under Section 6(3) of the RTI Act, 2005.

4. It is also appropriate to consider the decision given by the Central Information Commission in Ajay Mishra Vs Office of the Chief Minister, Delhi on 20th June, 2017 (F.No. CIC/00CMD/A/2016/305357). The relevant portion of the decision is reproduced below:-

“3. (iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to anyone particular public authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to 'another public authority' and not 'other public authorities'. Use of singular form in the Act in this regard is important to note. Thus the Respondent PIO has acted completely in terms of the provisions as laid down by the DOPT by informing the appellant that separate applications must be made for obtaining the information from different departments.

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The facts of the case at hand make it imperative for the Commission to comment that the modus operandi the appellant in filing a single RTI application and contending that information from 23 separate departments be collected, collated and complied and provided by the office of the Chief Minister is not in conformity with provisions of the RTI Act. While this sunshine legislation ensures the right to individuals to seek information, like every right enshrined under the Constitution, this right (to information) also comes with the duty of exercising the right with responsibility. Reckless exercise of right will defeat the purpose of the statute bestowing that right upon the individual. In the facts of the present appeal, the act of lodging of RTI application seeking such voluminous and spread out information is not in consonance with the object of the statute. The Commission derives force from the ratio expounded by the Hon'ble Apex Court in Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors (2011) 8 SCC 497. The relevant observations are reproduced hereinafter:

".....37. 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 public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties....."

4. Parties have been heard at length and after going through the submissions made by the parties and record available on the case file and the instructions issued by the Ministry of Personnel, Public Grievances and Pension, Personnel and Training Department, New Delhi viz a viz judicial pronouncements, the Commission accepts the plea taken by the respondent-Public Information Officer. Therefore, it is observed that no further action is required in this case. Hence, the case is disposed of and closed. Copies of the instructions mentioned herein are appended with this order.

Sd/

Dated: 4.1.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.