

PUNJAB STATE INFORMATION COMMISSION

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Sh. Bhupinder Punj,
r/o # 186, village Luhara,
District Ludhiana.

....Appellant

Vs

Public Information Officer,
o/o Secretary,
Regional Transport Authority,
Ferozepur

First Appellate Authority
o/o State Transport Commissioner, Pb.
SCO 177-78, 1st Floor, Sector 17,
Chandigarh.

....Respondents

Appeal Case No. 3766 of 2019

ORDER

The case was listed for hearing on 17.12.2019 but was reserved to be pronounced.

2. The brief of the case is that the appellant filed the RTI application with the Public Information Officer to seek the following information :-

“ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਮਿਤੀ 11.03.2019 ਤੋਂ ਲੈ ਕੇ 20.3.2019 ਤੱਕ ਅਸਿਸਟੈਂਟ ਟਰਾਂਸਪੋਰਟ ਅਫਸਰ, ਫਿਰੋਜ਼ਪੁਰ ਵੱਲੋਂ ਜ਼ਿਲਾ ਫਿਰੋਜ਼ਪੁਰ ਦੀ ਹੇਂਦ ਅੰਦਰ ਕਮਰਸ਼ੀਅਲ ਗੱਡੀਆਂ ਦੀ ਰੋਜ਼ਾਨਾ ਚੈਕਿੰਗ ਦੌਰਾਨ ਜੋ ਗੱਡੀਆਂ ਦੇ ਚਾਲਾਨ ਕੱਟੇ ਗਏ, ਮੌਕੇ ਤੇ ਜੋ ਜੁਰਮਾਨਾ ਵਸੂਲਿਆ ਗਿਆ, ਲੜੀਵਾਰ ਤਾਰੀਖ ਅਨੁਸਾਰ ਕੱਟੇ ਗਏ ਚਾਲਾਨਾਂ ਦੀਆਂ ਅਤੇ ਜੋ ਮੌਕੇ ਤੇ ਜੁਰਮਾਨਾ ਵਸੂਲ ਕਰਕੇ ਰਸੀਦਾਂ ਕੱਟੀਆਂ ਗਈਆਂ, ਉਨ੍ਹਾਂ ਦੀਆਂ ਵੀ ਲੜੀਵਾਰ ਤਾਰੀਖਾਂ ਅਨੁਸਾਰ ਫੋਟੋ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ ਅਤੇ ਜਿਸ ਵਾਉਚਰ ਰਾਹੀਂ ਬੈਂਕ ਵਿੱਚ ਸਰਕਾਰੀ ਕੈਸ਼ ਜਮ੍ਹਾਂ ਕਰਵਾਇਆ ਗਿਆ, ਉਸ ਭਰੇ ਗਏ ਵਾਉਚਰਾਂ ਦੀਆਂ ਵੀ ਲੜੀਵਾਰ ਤਾਰੀਖ ਅਨੁਸਾਰ ਫੋਟੋ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ ਅਤੇ ਮੌਕੇ ਤੇ ਜੋ ਧਾਰਾ 207 ਅਧੀਨ ਗੱਡੀਆਂ ਬੰਦ ਕੀਤੀਆਂ ਗਈਆਂ, ਲੜੀਵਾਰ ਨੰਬਰ ਅਨੁਸਾਰ ਕਿਹੜੀ ਕਿਹੜੀ ਗੱਡੀ, ਕਿਹੜੇ ਕਿਹੜੇ ਥਾਣੇ ਵਿੱਚ ਕਿਹੜੀ ਕਿਹੜੀ ਤਾਰੀਖ ਨੂੰ ਬੰਦ ਕੀਤੀ ਗਈ, ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਲਿਖਤੀ ਰੂਪ ਵਿੱਚ ਲਿਸਟ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਅਤੇ ਇਨ੍ਹਾਂ ਬੰਦ ਗੱਡੀਆਂ ਵਿੱਚੋਂ ਕਿਹੜੇ ਕਿਹੜੇ ਨੰਬਰ ਦੀਆਂ ਗੱਡੀਆਂ ਕਿਹੜੀ ਕਿਹੜੀ ਤਾਰੀਖ ਨੂੰ ਜੁਰਮਾਨਾ ਵਸੂਲ ਕਰਕੇ ਆਪ ਜੀ ਵੱਲੋਂ ਰਿਲੀਜ਼ ਕਰ ਦਿੱਤੀਆਂ ਗਈਆਂ। ਰਿਲੀਜ਼ਿੰਗ ਆਰਡਰ ਅਤੇ ਵਸੂਲ ਕੀਤੇ ਜੁਰਮਾਨੇ ਦੀਆਂ ਰਸੀਦਾਂ ਸਮੇਤ ਫੋਟੋ ਕਾਪੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਦਿੱਤੀਆਂ ਜਾਣ। ਚੈਕਿੰਗ ਦੌਰਾਨ ਜੋ ਸਰਕਾਰੀ ਗੱਡੀ ਦੀ ਵਰਤੋਂ ਕੀਤੀ ਗਈ, ਸਰਕਾਰੀ ਗੱਡੀ ਦਾ ਰਜਿਸਟ੍ਰੇਸ਼ਨ ਨੰਬਰ ਅਤੇ ਲਾਗ ਬੁਕ ਦੀ ਵੀ ਲੜੀਵਾਰ ਤਾਰੀਖ ਅਨੁਸਾਰ ਫੋਟੋ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ ਅਤੇ ਚੈਕਿੰਗ ਦੌਰਾਨ ਕਿਹੜੇ ਕਿਹੜੇ ਪੁਲਿਸ ਮੁਲਾਜ਼ਮ ਅਤੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਦੀ ਮੌਜੂਦਗੀ ਵਿੱਚ ਚੈਕਿੰਗ ਕੀਤੀ ਗਈ। ਪੁਲਿਸ ਮੁਲਾਜ਼ਮਾਂ ਅਤੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਦੇ ਨਾ ਲਿਖਤੀ ਰੂਪ ਵਿੱਚ ਮੁਹੱਈਆ ਕਰਵਾਏ ਜਾਣ “

He filed the similar application to almost all the Secretary, Regional Transport, Authorities of the Punjab state.

2. During the hearing on 17.12.2019, the appellant stated that the respondent authorities are not providing the information to him. However, the representative of

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the respondents stated that the information sought by the appellant has been provided vide No. RTA/Ferozepur/666 dated 16.7.2019 i.e. from 11.3.2019 to 20.3.2019 total 77 vehicles were challaned, alongwith the vouchers of amount so deposited in the bank with a copy to the Commission. Regarding the rest of the information, the representative of the respondents stated that it is not maintained in their office and the office has to create the same, which is not according to the provisions of the RTI Act.

3. The representative of the respondents also referred 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.

4. 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. 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 striving to do their duty-Nation 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. 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 a 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 the record of the public authority and cannot be supplied by the PIO as per the provisions of the RTI Act, 2005.

It is pertinent to mention here that the information sought by the appellant is voluminous and is to be collected from other public authorities working under its control. Moreover, the same is exempted under Section 7(9) of the RTI Act, 2005, which mentions, *“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.*

6. Further, the representative of the respondents stated that the appellant has failed to establish any public interest for seeking such voluminous information from all the Secretary, Regional Transport Authorities including the Ferozepur, therefore, he requests for the closure of the case.

7. After hearing both the parties, and having examined the information sought for by the appellant, and the information so provided by the respondents and non establishing the public interest in getting the voluminous information, and considering the judicial decisions as mentioned herein, and as per the provisions of the RTI Act, the Commission is of the view that the copies of challan and receipt thereof may be supplied to the appellant, in addition to the already provided information to the appellant by the respondents within 7 days from the issue of this order. With these directions, the case is disposed of and closed.

Dated: 2.6.2020

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.