

CENTRAL INFORMATION COMMISSION

Room No. 305, 3rd Floor, CIC Bhavan, Baba Gangnath Marg, Munirka,
New Delhi-110067, website:cic.gov.in

Appeal No.:-CIC/LICOI/A/2017/190260-BJ

Appellant : Mr. Nileshkumar P. Joshi,
Respondent : CPIO & Manager (OS),
LIC of India, Office Services Department,
Divisional Office, Bhavnagar
Date of Hearing : 25.01.2018
Date of Decision : 25.01.2018

Date of filing of RTI application	02.08.2016
CPIO's response	26.08.2016
Date of filing the First Appeal	07.09.2016
First Appellate Authority's response	20.09.2016
Date of diarised receipt of Appeal by the Commission	12.12.2016

ORDER

FACTS:

The Appellant vide his RTI application had sought following information:

- 1- *“Particulars of Rules/Regulations of LIC of India Prohibiting payment of Service Pension to my father (Late Shri P. J. Joshi) for the period from 01.06.2016 to 25.06.2016.*
- 2- *Kindly provide me a copy of Said Rules/Regulations for which I am bound to pay necessary charges as per Rules on receipt of such advise from your office.”*

The CPIO vide letter dated 26.08.2016, provided a response to the Appellant. Dissatisfied with the response, the Appellant approached the FAA. The FAA vide its order dated 20.09.2016, stated that the information sought in Appeal was different than the original RTI dated 02.08.2016 and hence it was not liable to be entertained.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. Nileshkumar P. Joshi;

Respondent: Mr. Ashok Kumar Dave, Manager (CRM) and Mr. Bharat Nimbark, Manager (OS) through VC;

The Appellant reiterated the contents of his RTI application and stated that no satisfactory information was provided to him. It was argued that he had filed his RTI application on 02.08.2016 seeking details of the particular rules and regulations of LIC of India prohibiting payment of service pension to his father for the said period and that he desired information related to

issues contained thereon. He painfully conveyed that despite repeated attempts, no information was provided to him. In its reply, the Respondent explained that the necessary information was furnished to the Appellant and the pension matter was also settled as per extant guidelines on the subject. During the hearing, the Commission was informed that a copy of the particulars of rules and regulations sought by the Appellant had been provided to him on 18.01.2018, after coordinating with the head office regarding the policy regulations issued in this respect.

The Respondent vide his written submission dated 18.01.2018 reiterated the contents of the RTI application and the responses of the CPIO/FAA. Moreover, it was explained that after receiving the clarification from their Higher Office, it was known that all the dues payable to the Appellant had been settled and the information sought by the Appellant had been duly provided on 18.01.2018.

In this context, the Commission referred to the decision of the Hon'ble Supreme Court in the matter of Civil Appeal no. 6454 of 2011 Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors. which held as under:

“35..... 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...”

Similarly, the Hon'ble Delhi High Court in the case of *The Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors* LPA 24/2015 & CM No. 965/2015 held as under:-

“15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, ‘right to information’ under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which is sought by the applicant”.

A reference was drawn to the Hon'ble Supreme Court observation in *CBSE v. Aditya Bandopadhyay & Ors.(supra)*, wherein it has been held: *“35. 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....."

The Commission observed that the framework of the RTI Act, 2005 restricts the jurisdiction of the Commission to provide a ruling on the issues pertaining to access/ right to information and to venture into the merits of a case or redressal of grievance. The Commission in a plethora of decisions including Shri Vikram Singh v. Delhi Police, North East District, CIC/SS/A/2011/001615 dated 17.02.2012, Sh. Triveni Prasad Bahuguna vs. LIC of India, Lucknow CIC/DS/A/2012/000906 dated 06.09.2012, Mr. H. K. Bansal vs. CPIO & GM (OP), MTNL CIC/LS/A/2011/000982/BS/1786 dated 29.01.2013 had held that RTI Act was not the proper law for redressal of grievances/disputes.

The Hon'ble Supreme Court of India in the matter of Union of India v. Namit Sharma in REVIEW PETITION [C] No.2309 OF 2012 IN Writ Petition [C] No.210 OF 2012 with State of Rajasthan and Anr. v. Namit Sharma Review Petition [C] No.2675 OF 2012 In Writ Petition [C] No.210 OF 2012 had held as under:

"While deciding whether a citizen should or should not get a particular information "which is held by or under the control of any public authority", the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority. This function obviously is not a judicial function, but an administrative function conferred by the Act on the Information Commissions."

Furthermore, the High Court of Delhi in the matter of Hansi Rawat and Anr. v. Punjab National Bank and Ors. LPA No.785/2012 dated 11.01.2013 held as under:

*"6. The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No.2 LPA No.785/2012 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, **is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished.**"*

DECISION

Keeping in view the facts of the case and the submissions made by both the parties and considering the genuine requirement of the information sought by the Appellant, the Commission advises the Respondent Public Authority to adopt a more sympathetic and humane approach in deciding all such matters within a time bound manner. A copy of the rules and regulations sought by the Appellant should be furnished to him within a period of 10 days from the date of receipt of this order and to ensure that it was received by him.

The Commission also instructs the Respondent to convene periodic conferences/seminars to sensitize, familiarize and educate the concerned officials about the relevant provisions of the RTI Act, 2005 for effective discharge of its duties and responsibilities.

The Appeal stands disposed with the above direction.

(Bimal Julka)
Information Commissioner

Authenticated True Copy:

(K.L.Das)
Deputy Registrar