

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या/Second Appeal No. CIC/DOEAF/A/2020/675667

Mr. Supreeth R. Hegde

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO

...प्रतिवादी/Respondent

M/o. Finance

Department of Economic Affairs

North Block, New Delhi-110001

Relevant dates emerging from the appeal:-

RTI : 23-04-2018	FA : 31-05-2018	SA : 29-06-2020
CPIO : 22-05-2018	FAO : 27-06-2020	Hearing : 30-12-2021

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO) M/o. Finance, Department of Economic Affairs, North Block, New Delhi. The appellant seeking information is as under:-

“Which organization or Bank in India was benefited the most from demonetization. Please provide me the complete details of the profit to that specific organization due to demonetization”.

2. The CPIO vide letter dated 22-05-2018 has provided information to the appellant. Being dissatisfied with the same, the appellant has file first appeal dated 31-05-2018 and requested that the information should be provided to him. The FAO vide order dated 27-06-2020 upheld CPIOs reply and disposed the appeal. He has filed a second appeal before the Commission on the ground that information sought has not been provided to him and requested to direct the respondent to provide complete and correct information.

Hearing:

3. The appellant attended the hearing through video-call. The respondent, Ms. Sanju Yadav, Deputy Director/ CPIO attended the hearing through audio-call.

4. Both the parties submitted their written submissions and the same have been taken on record.

5. The appellant submitted that the desired information has not been provided to him by the respondent on his RTI application dated 23.04.2018. He further pointed out that the CPIO has failed to furnish his/ her own details as well as the details of the FAA. In consequence of which he was unaware as to whom should be contacted further for necessary action. The FAA also furnished a reply only after a delay of about 25 months from the date of filing of the first appeal.

6. The respondent while reiterating the replies furnished by the CPIO/ FAA submitted that vide their letter dated 22.05.2018 they have duly furnished the factual position in the matter as sought by the appellant. She further submitted that the appellant has not any specific information/ document which exist in material form as per their records.

Decision:

7. The Commission, after hearing the submissions of both the parties and after perusal of records, observes that the query of the appellant is in the nature of seeking clarification/explanation/confirmation from the CPIO. The Commission further observes that the information sought by the appellant are generic in nature and no specific document has been sought. Only the documents/ information available in material form as per the records available with the public authority can be furnished under the RTI Act, 2005. The CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.

In this regard, the Commission referred to the definition of information u/s Section 2(f) of the RTI Act, 2005 which is reproduced below:

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars,

orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”

In this context a reference was made to the Hon’ble Supreme Court decision in 2011 (8) SCC 497 (**CBSE and Anr. Vs. Aditya Bandopadhyay and Ors**), wherein it was held as under:

35 “A Public Authority is also not required to furnish information which require drawing of inferences and/or making 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.”

Furthermore, the Hon’ble Supreme Court of India in **Khanapuram Gandaiah Vs. Administrative Officer and Ors**. Special Leave Petition (Civil) No.34868 OF 2009 (Decided on January 4, 2010) had held as under:

6. “...Under the RTI Act “information” is defined under Section 2(f) which provides:

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed.”

7. “...the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the “public authority” under any other law for the time being in force. The answers sought by the

petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.”

8. The Commission further observes that the CPIO has furnished a general reply to the query raised by the appellant without application of mind and also failed to furnish his name and designation and also that of the FAA. Further the unreasonable delay of about 25 months caused by the FAA in furnishing the reply, shows complete negligence and laxity in the public authority in dealing with the RTI applications. It is abundantly clear that such matters are being ignored and set aside without application of mind which reflects disrespect towards the RTI Act, 2005 itself. The Commission express its displeasure on the casual and callous approach adopted by the respondent in responding to the RTI application and the process adopted to maintain and organise record. The CPIO is therefore, warned to be extremely careful and vigilant in handling RTI petitions in future, failing which the Commission would initiate penal action under Section 20(1) of the RTI Act, 2005. This should also be brought to the notice of the Secretary, M/o. Finance Department of Economic Affairs, Delhi by placing a copy of this order before him for appropriate necessary action.
9. In view of the above ratios, no further intervention by the Commission is required in the matter.
10. With the above observations, the appeal is disposed of.
11. Copy of the decision be provided free of cost to the parties.

Neeraj Kumar Gupta (नीरज कुमार गुप्ता)
Information Commissioner (सूचना आयुक्त)

दिनांक / Date: 30-12-2021

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

S. C. Sharma (एस. सी. शर्मा),
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Addresses of the parties:

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2. Mr. Supreeth R. Hegde

