

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/DS/C/2010/000332

Appellant : Shri Virajoo Kumar
Public Authority : Telecom Regulatory Authority of India
Date of Hearing : 25.10.2010
Date of Decision : 25.10.2010

FACTS :

The matter is called for hearing today dated 25.10.2010. Appellant not present. The public authority is represented by Shri D.P.S. Rajesh, Dy Advisor (CPIO), Shri Saji Abraham, Joint Advisor & Shri S.P. Bhatt, SRO (Coord).

2. It is noticed that vide RTI application dated nil, the appellant had requested for information on 05 paras in respect of Reliance Mobile No 09304549785. In the first para, he had sought information about the money spent by him on Recharge coupon. He had also sought associated information in paras 02, 03, 04 & 05 of the RTI application.

3. The CPIO had informed the appellant vide letter dated 27.4.2009 that the requested information was not being maintained by TRAI. The appellant did not file the first appeal and has straightaway moved this Commission.

4. During the hearing, Shri Saji Abraham submits that under section 12 (1) (a) of TRAI, 1997, TRAI can call for such information from the service provider as it needs for its own purposes by passing an order in writing but the information requested for by the appellant is not wanted by TRAI, and, therefore, it is not bound to call for this information from the service provider. Besides, he also relies on two decisions of this Commission in this regard wherein such requests were turned down. (File Nos are CIC/AD/A/2009/000987 and File No PBA/06/2003/000203). His third and last submission is that the information requested for by the appellant was available to him at the time of making the calls and, therefore, the present appeal is infructuous.

5. The word information is defined in the section 2 (f) of the RTI Act. As per this clause, 'information' also includes 'information relating to any private body which can be accessed by a public authority under any other law for the time being enforced.' In other words, if TRAI has authority under any law to access information from Reliance Company, it can access that information for onward transmission to the information seeker. According to Shri Abraham, u/s 12 of the TRAI Act, 1997, TRAI has the authority to call for information from the service provider by passing an

order in writing but this information should be such as is needed by TRAI for its own purposes. In other words, according to him, TRAI can not seek information from a private entity for servicing the RTI Act.

6. Clause (a) of section 12 (1) is reproduced below :-
“(a) call upon any service provider at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require”

Shri Abraham lays emphasis on the last 05 words of the above clause viz ‘as the authority may require.’ It is his interpretation that this expression means that TRAI can call for information only when it needs it for its own purposes and not for the purposes of supplying it to the information seeker under the provisions of the RTI act.

7. We are afraid, the construction put on clause (a) by Shri Abraham is not correct. According to us, the true meaning of the expression ‘as the Authority may require’ is ‘as the authority may direct’. In other words, TRAI can call for such information from a private entity as it needs for its own purposes as also for the purpose of servicing the RTI Act.

8. The above interpretation also finds support in the judgment dated 25.9.2009 of the Delhi High Court in WP (Civil) No 765 of 2007 (Poorna Prajna Public School Vs CIC) wherein the High Court favoured wider interpretation of the word ‘information’. The relevant part of para 16 of the judgment is extracted below :-

“Further, information which a public authority can access under any other law from a private body is also ‘information’ under section 2 (f). The public authority should be entitled to ask for the said information under law from the private body. Details available with a public authority about a private body are ‘information’ and details which can be accessed by the public authority from a private body are also ‘information’ but the law should permit and entitle the public authority to ask for the said details from a private body.”

DECISION

9. In view of the above, we are of the opinion that the appellant is legally entitled to seek the information from TRAI u/s 2 (f) of the RTI Act and TRAI is mandated to call for such information from the service provider (Reliance Company in this case) as mentioned hereinabove and furnish the same to the appellant. We, respectfully, disagree with the view taken by other Single Benches of the Commission.

10. Before parting with this matter, we would, however, like to observe that collection, collation and transmission of information by the public authority, or, for that matter, by a private entity, is a costly exercise and puts strain on their resources. The information seeker must seek only that information which he genuinely needs or which is of any use to him. Wanton demand for information is against the spirit of the RTI Act. Given

the fact that the appellant has not appeared before the Commission to convass his case goes to show that he is not-serious about the matter. Besides, we also find some merit in Shri Abraham's submission that some of the requested information is already available with the appellant. The appellant is not before the Commission to clarify the position. In the premises, we direct that information in regard to para 01 only may be provided to the appellant after accessing it from the service provider.

11. The order of the Commission may be complied with in 06 weeks.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Assistant Registrar

Address of parties :-

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