

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

File No : CIC/SBIND/A/2022/119535
CIC/SBIND/A/2022/119536
CIC/SBIND/A/2022/119543
CIC/SBIND/A/2022/119545
CIC/SBIND/A/2022/119534

Raman Verma

.....अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO,
Regional Business Officer-IV,
Mohali, State Bank of India,
RTI Cell, 5th Floor, Near The Mall,
Patiala – 147001, Punjab.

....प्रतिवादीगण /Respondent

Date of Hearing : 09/06/2023
Date of Decision : 09/06/2023

INFORMATION COMMISSIONER : Saroj Punhani

Note – The above mentioned Appeals have been clubbed together for decision as these are based on similar RTI Applications.

Relevant facts emerging from appeals:

File No.	RTI application filed on	CPIO replied on	FA filed on	FAA order	2nd Appeal dated
119535	23/07/2021	Not on record	NIL	13/10/2021	10/01/2022
119536	23/07/2021	20/08/2021	16/09/2021	13/10/2021	10/01/2022
119543	02/08/2021	20/08/2021	16/09/2021	13/10/2021	10/01/2022
119545	23/07/2021	20/08/2021	16/09/2021	13/10/2021	10/01/2022
119534	02/08/2021	20/08/2021	16/09/2021	13/10/2021	10/01/2022

CIC/SBIND/A/2022/119535

Information sought:

The Appellant filed an RTI application dated 23.07.2021 seeking the following information:

"...a) List of the loan/limit sanctioned by the bank in the last three years and also provide the details regarding how many legal opinions were done how many legal opinion distributed to the how many advocate and how many legal opinions/T.I.R, were received by the bank from which advocates, provide complete information.

b) How many advocates are on your panel give the name of them and how many legal opinions / T.I.R. were called by you from all of these advocates, How many fees was distributed by you to all these advocates give complete information to di these advocates individual.

c) How many cases were filed by your bank regarding recovery and case under section 138 of N.I.Act, details of the advocates who filed all these cases and how many fees was given by the bank to the advocate regarding the all these cases individually, give complete information.

d) Provide the list of the advocates who translated the title deed and other documents at the time of legal opinions / T.I.R. and provide complete information regarding expenses....."

Having not received any response from the CPIO, the appellant filed a First Appeal dated NIL. FAA's order dated 13.10.2021 held as under:-

2. मैंने आरटीआई आवेदन दिनांक 23.07.2021 और अपील दिनांक 16.09.2021 (प्राप्त दिनांक 17.09.2021) का अवलोकन किया और जब यह मामला केंद्रीय जन सूचना अधिकारी की जानकारी में लाया गया तो उन्होंने बताया कि आरटीआई आवेदन दिनांक 23.07.2021 का जवाब केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक, भारतीय स्टेट बैंक, क्षेत्रीय व्यवसायिक कार्यालय-IV, मोहाली द्वारा पत्र क्रमांक RM-4/COMP & OPS/RTI/1072 दिनांक 28.09.2021 के माध्यम से अपीलकर्ता को भेज दिया गया है। इसलिए आवेदक की उतर न मिलने संबंधी अपील का निवारण हो जाता है। तथापि केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक द्वारा दिनांक 28.09.2021 को भेजे गए उतर की कॉपी पुनः संलग्न की जा रही है। यदि अपीलकर्ता केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक, भारतीय स्टेट बैंक, क्षेत्रीय व्यवसायिक कार्यालय-IV, मोहाली के उतर दिनांक 28.09.2021 से संतुष्ट न हो, तो वे आरटीआई अधिनियम, 2005 के प्रावधानों के अनुसार इस अपीलीय प्राधिकारी के समक्ष अपील दायर कर सकता है।

यह भी पाया गया है कि केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक की ओर से उतर भेजने में विलंब हुआ है। केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक को सचेत किया जाता है कि भविष्य में वे आरटीआई आवेदन के निपटान में अधिक सतर्कता बरतें और आरटीआई अधिनियम 2005 के प्रावधानों के अनुसार इनका समय पर निपटान सुनिश्चित करें। यदि आरटीआई आवेदन के साथ कोई शुल्क प्राप्त हुआ हो तो केंद्रीय जन सूचना अधिकारी व सहायक महाप्रबंधक, भारतीय स्टेट बैंक, क्षेत्रीय व्यवसायिक कार्यालय-IV, मोहाली को निर्देश दिए जाते हैं कि वे आदेश प्राप्त के 10 दिन के भीतर उस शुल्क को वापिस भुगतान कर दें। तदनुसार अपील का निपटान किया जाता है।

3. इस आदेश की प्रति अपीलकर्ता तथा संबंधित केंद्रीय जन सूचना अधिकारी को प्रेषित की जाए। मैं तदनुसार आदेश देता हूँ।

CIC/SBIND/A/2022/119536

Information sought:

The Appellant filed an RTI application dated 23.07.2021 seeking the following information:

“a) List of the loan/limit sanctioned by the bank in the last three years and also provide the details regarding how many legal opinions were done how many legal opinion distributed to the how many advocate and how many legal opinions/T.I.R, were received by the bank from which advocates, provide complete information.

b) How many advocates are on your panel give the name of them and how many legal opinions / T.I.R. were called by you from all of these advocates, How many fees was distributed by you to all these advocates give complete information to di these advocates individual.

c) How many cases were filed by your bank regarding recovery and case under section 138 of N.I.Act, details of the advocates who filed all these cases and how many fees was given by the bank to the advocate regarding the all these cases individually, give complete information.

d) Provide the list of the advocates who translated the title deed and other documents at the time of legal opinions / T.I.R. and provide complete information regarding expenses.

Therefore, by the medium of this application, you are hereby requested that under the Right to Information Act 2005 (RTI Act 2005), certified copies of the above demanded documents may kindly be issued to me as soon as possible.”

The CPIO furnished a pointwise reply to the appellant on 20.08.2021 stating as under:

“1. RACC Nabha sanctioned 135 loans in the last three years and the list of the same cannot be provided as the information related to this is concerned to the third party which is exempted to be given u/s 8(1)(j) of Right to Information Act 2005. Further, the bank keeps this information under Fiduciary Capacity which cannot be revealed u/s 8(1)(e) of Right to Information Act.

2. List of advocates on the panel of the bank is attached herewith. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Ad 2005 as the some can effect the bank interests.

3. RACC Nabha has not filed any case for the recovery in the last three years.”

Being dissatisfied, the appellant filed a First Appeal dated 16.09.2021. FAA’s order dated 13.10.2021, upheld the reply of CPIO.

CIC/SBIND/A/2022/119543

Information sought:

The Appellant filed an RTI application dated 02.08.2021 seeking the following information:

“...a) List of the loan/limit sanctioned by the bank in the last three years and also provide the details regarding how many legal opinions were done how many legal opinion distributed to the how many advocate and how many legal opinions/T.I.R, were received by the bank from which advocates, provide complete information.

b) How many advocates are on your panel give the name of them and how many legal opinions / T.I.R. were called by you from all of these advocates, How many fees was distributed by you to all these advocates give complete information to di these advocates individual.

c) How many cases were filed by your bank regarding recovery and case under section 138 of N.I.Act, details of the advocates who filed all these cases and how many fees was given by the bank to the advocate regarding the all these cases individually, give complete information.

d) Provide the list of the advocates who translated the title deed and other documents at the time of legal opinions / T.I.R. and provide complete information regarding expenses.

Therefore, by the medium of this application, you are hereby requested that under the Right to Information Act 2005 (RTI Act 2005), certified copies of the above demanded documents may kindly be issued to me as soon as possible.”

The CPIO furnished a pointwise reply to the appellant on 20.08.2021 stating as under:

“1. The said branch sanctioned 568 loans in the last three years and the list of the same cannot be provided as the information related to this is concerned to the third party which is exempted to be given u/s 8(1)(j) of Right to Information Act 2005. Further, the bank keeps this information under Fiduciary Capacity which cannot be revealed u/s 8(1)(e) of Right to Information Act.

2. List of advocates on the panel of the bank is attached herewith. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Ad 2005 as the some can effect the bank interests.

3. The said NGM branch Nabha has not filed any case for the recovery in the last three years.”

Being dissatisfied, the appellant filed a First Appeal dated 16.09.2021. FAA’s order dated 13.10.2021, upheld the reply of CPIO.

CIC/SBIND/A/2022/119545

Information sought:

The Appellant filed an RTI application dated 23.07.2021 seeking the following information:

“a) List of the loan/limit sanctioned by the bank in the last three years and also provide the details regarding how many legal opinions were done how many legal opinion distributed to the how many advocate and how many legal opinions/T.I.R, were received by the bank from which advocates, provide complete information.

b) How many advocates are on your panel give the name of them and how many legal opinions / T.I.R. were called by you from all of these advocates, How many fees was distributed by you to all these advocates give complete information to di these advocates individual.

c) How many cases were filed by your bank regarding recovery and case under section 138 of N.I.Act, details of the advocates who filed all these

cases and how many fees was given by the bank to the advocate regarding the all these cases individually, give complete information.

d) Provide the list of the advocates who translated the title deed and other documents at the time of legal opinions / T.I.R. and provide complete information regarding expenses....”

The CPIO furnished a pointwise reply to the appellant on 20.08.2021 stating as under:

“1. The said branch sanctioned 746 loans in the last three years and the list of the same cannot be provided as the information related to this is concerned to the third party which is exempted to be given u/s 8(1)(j) of Right to Information Act 2005. Further, the bank keeps this information under Fiduciary Capacity which cannot be revealed u/s 8(1)(e) of Right to Information Act.

2. List of advocates on the panel of the bank is attached herewith. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Ad 2005 as the same can effect the bank interests.

3. The said branch filed 80 cases for recovery in the last three years. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Act 2005 as the same can effect the bonk interests.

4. The said branch has not made the list how many title deeds and other documents were got translated in the last three years, as it will consume much time and inappropriate use of means and further information sought is related to the business of the bank which cannot be provided u/ss 7(9) and 8(1)(d) of Right to information Act 2005 as the some con effect the bank interests.”

Being dissatisfied, the appellant filed a First Appeal dated 16.09.2021. FAA’s order dated 13.10.2021, upheld the reply of CPIO.

CIC/SBIND/A/2022/119534

Information sought:

The Appellant filed an RTI application dated 02.08.2021 seeking the following information:

“a) List of the loan/limit sanctioned by the bank in the last three years and also provide the details regarding how many legal opinions were done how many legal opinion distributed to the how many advocate and how many legal opinions/T.I.R, were received by the bank from which advocates, provide complete information.

b) How many advocates are on your panel give the name of them and how many legal opinions / T.I.R. were called by you from all of these advocates, How many fees was distributed by you to all these advocates give complete information to di these advocates individual.

c) How many cases were filed by your bank regarding recovery and case under section 138 of N.I.Act, details of the advocates who filed all these cases and how many fees was given by the bank to the advocate regarding the all these cases individually, give complete information.

d) Provide the list of the advocates who translated the title deed and other documents at the time of legal opinions / T.I.R. and provide complete information regarding expenses.

Therefore, by the medium of this application, you are hereby requested that under the Right to Information Act 2005 (RTI Act 2005), certified copies of the above demanded documents may kindly be issued to me as soon as possible.”

The CPIO furnished a pointwise reply to the appellant on 20.08.2021 stating as under:

“1. The said branch sanctioned 366 loans in the last three years and the list of the same cannot be provided as the information related to this is concerned to the third party which is exempted to be given u/s 8(1)(j) of Right to Information Act 2005. Further, the bank keeps this information under Fiduciary Capacity which cannot be revealed u/s 8(1)(e) of Right to Information Act.

2. List of advocates on the panel of the bank is attached herewith. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Act 2005 as the same can affect the bank interests.

3. The said branch filed 41 cases in the last three years. Further information sought is related to the business of the bank which cannot be provided u/s 8(1)(d) of Right to information Act 2005 as the same can affect the bank interests.

4. The said branch has not made the list how many title deeds and other documents were got translated in the last three years, as it will consume much time and inappropriate use of means and further information sought is related to the business of the bank which cannot be provided u/ss 7(9) and 8(1)(d) of Right to information Act 2005 as the same can affect the bank interests.”

Being dissatisfied, the appellant filed a First Appeal dated 16.09.2021. FAA's order dated 13.10.2021, upheld the reply of CPIO.

Feeling aggrieved and dissatisfied, the appellant approached the Commission with the instant set of Second Appeals.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: Umesh Kumar, Regional Manager & CPIO present through video-conference.

The CPIO by placing reliance on his written submissions dated 08.06.2023 put forth his arguments before the bench as under –

“...3 different RTI requests dated 23.07.2021, 02.08.2021 and 23.07.2021 pertaining to branches Nabha (01452), NGM Nabha (50365) and RACC Nabha (63451) respectively were received from appellant. The sought information is almost same in all 3 applications. The appellant had sought information consisting of 5 points including total loans granted by these branches for the last 3 years, their complete details, total TIR's obtained

from Advocates, their complete details, list of panel Advocates, fee paid to Advocates for the last 3 years for such TIRs, suits of recovery filed by branches and Complaints filed under section 138 of N.I. Act for the last 3 years, fee paid to the Advocates for these suits/ Complaints filed, translations of Title Deeds or any other documents got done by these branches for the last 3 years etc. (Copies of applications attached as Annexure A).

2. The reply to the said RTI request was given on 20.08.2021(50365 & 63451) and 28.09.2021 (01452). (Copies attached as Annexure B)

Briefly stated, the information sought regarding total loans granted by these branches for the last 3 years, list of panel Advocates, suits of recovery filed by branches and Complaints filed under section 138 of N.I. Act for the last 3 years were provided to the Appellant.

As regards the complete details of total loans granted by these branches for the last 3 years is concerned, the same was denied being information pertaining to third party and sought exemptions under section 8 (1) (j), (e) of RTI Act.

As regards the fee paid to Advocates for the last 3 years for such TIRs, suits/ Complaints filed is concerned, it is respectfully submitted that the fee payable to the Advocates for submission of Title investigation reports (TIRs) are ultimately paid by the borrowers who are availing the loans and keeping in view of the fact that the disclosure of information about how much fee is paid to Advocate would harm the competitive position of the Bank and no larger public interest was involved in seeking this information, hence, the same was denied under section 8 (1) (d) of RTI Act.

*Reference in this regard is invited to Decision No. CIC/VS/A/2012/001426/04589 in Appeal No. **CICNS/A/2012/001426 dated 30.08.2013 titled as Mr.Aseem Takyar vs Delhi Metro Rail Corporation** passed on 30 August, 2013 wherein information was sought regarding the fee paid to a particular senior advocate in challenging a CIC order. Hon'ble CIC held that the professional fee paid to the advocate is Information kept in fiduciary relationship. (Copy of the said order is attached).*

*Further, Reference is invited to Decision passed by Hon'ble CIC in Second Appeal No.:- **CIC/LICOI/A/2018/614463-8) titled as Anupam Joardar vs Life***

Insurance Corporation Of India decided on 25 October, 2019 wherein information was sought regarding the engagement of legal experts/ lawyers to deal with the cases and/ or conciliation proceedings and the legal fees/ remuneration offered to the legal experts/ lawyers. In the said matter, CPIO denied the information regarding engagement of their Advocates and fee paid to them under Section 8(1) (d) & 8 (1) (e) of RTI Act, 2005 as the same was related to commercial confidence, trade secrets as also held under fiduciary relationship with their empanelled Advocate, the disclosure of which would harm the competitive position of the corporation and that no larger public interest was involved in seeking this information. Hon'ble CIC upheld that the reply given by CPIO and observed that no further intervention of the Commission is required in the matter. (Copy of the said order is attached). As regards the translations of Title Deeds or any other documents got done by these branches for the last 3 years etc. is concerned, it is respectfully submitted that no such data of translated documents is maintained as such in the branches. Hence, it was advised to the Appellant that the no such data of translated documents is maintained as such. Therefore, the compilation of the same would disproportionately divert the resources of the public authority. It is respectfully submitted that the RTI application was dealt with by the then CPIO in accordance with the provisions of RTI Act, 2005 and the information as available has already been provided to the appellant.

In view of the above, it is respectfully submitted that the appeal filed by the appellant may kindly be dismissed..."

While summing up his arguments, the CPIO again emphasized on each occasion a point wise reply along with relevant permissible information has already been parted with the Appellant in terms of RTI Act.

Decision:

The Commission upon a perusal of records observes that through the impugned RTI Applications, the Appellant has sought for humungous information by filing multiple applications under RTI Act seeking same information by merely interchanging the points of information sought, which majorly do not conform to Section 2 (f) of RTI Act and also appears to be voluminous in nature, collation and compilation of which would entail diversion of manpower resources of the Public Authority ;and thus, cannot be provided in view of Section 7(9) of RTI Act.

The same can be garnered from the relevant provisions of Section 7(9) of RTI Act which is reproduced below for ready reference –

“...7. Disposal of request.—

xxx

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question...”

It also appears that the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. It is rather unfortunate that even the best of intentions have to not only stand the test of procedural requirements and fetters laid down in the RTI Act but also stand the test of practicality, a notion well recognised by superior Courts through various judgments such as the Hon'ble Supreme Court's observation in ***Central Board of Secondary Education (CBSE) & Anr. v. Aditya Bandhopadhyay and others [(2011) 8 SCC 497]*** stating that:

"37. xxxxx

*The 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. 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 a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties.**(Emphasis Supplied).....”*

In addition to above, it is also not out of place to note that the Appellant has sought the personal information of third party advocates and other persons which in itself reveals that such information contains the elements of not only the personal information of third parties which stands exempted from disclosure under Section 8(1)(j) of RTI Act but also information like legal opinion obtained by bank from its panel advocates are held /available in a fiduciary capacity with the Respondent and is hit by Section 8(1)(e) of RTI Act. The same can be garnered

from a bare perusal of the text of Section 8(1)(e) and 8(1)(j) of the RTI Act as under:

“8. Exemption from disclosure of information.—

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

XXX

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

XXX

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information;..”

In this regard, attention of the Appellant is drawn towards a judgement of division bench of the Hon’ble Supreme Court in the matter of **CBSE vs. Aditya Bandhyopadhyay, (Civil Appeal No. 6454 of 2011)** dated **09.08.2011** wherein the Hon’ble Apex Court has extensively dwelled over the meaning and import of the term “*fiduciary*” and held as under:

‘21. The term ‘fiduciary’ refers to a person having a duty to act for the benefit of another, showing good faith and condour, where such other person reposes trust and special confidence in the person owing or discharging the duty. The term ‘fiduciary relationship’ is used to describe a situation or transaction where one person (beneficiary) places complete confidence in another person (fiduciary) in regard to his affairs, business or transaction/s. The term also refers to a person who holds a thing in trust for another (beneficiary). The fiduciary is expected to act in confidence and for the benefit and advantage of the beneficiary, and use good faith and fairness in dealing with the beneficiary or the things belonging to the beneficiary. If the beneficiary has entrusted anything to the fiduciary, to hold the thing in trust or to execute certain acts in regard to or

with reference to the entrusted thing, the fiduciary has to act in confidence and expected not to disclose the thing or information to any third party....'

*'22..... But the words 'information available to a person in his fiduciary relationship' are used in section 8(1)(e) of RTI Act in its normal and well recognized sense, that is to refer to persons who act in a fiduciary capacity, with reference to a specific beneficiary or beneficiaries who are to be expected to be protected or benefited by the actions of the fiduciary - a trustee with reference to the beneficiary of the trust, a guardian with reference to a minor/physically/infirm/mentally challenged, a parent with reference to a child, a lawyer or a chartered accountant with reference to a client, a doctor or nurse with reference to a patient, an agent with reference to a principal, a partner with reference to another partner, a director of a company with reference to a shareholder, an executor with reference to a legatee, a receiver with reference to the parties to a lis, **an employer with reference to the confidential information relating to the employee, and an employee with reference to business dealings/transaction of the employer...**' (Emphasis Supplied)*

Further, as regards the applicability of Section 8(1)(j) of RTI Act is concerned, attention of the Appellant is also drawn towards a judgment of the Hon'ble Supreme Court of India in the matter of **Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010** wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of **Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & Anr., (2013) 14 SCC 794**.The following was thus held:

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members,

information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive...”

For better understanding of the mandate of the RTI Act, the Appellant shall note that outstretching the interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the RTI Act. For the sake of clarity relevant provision of Section 2(f) of RTI Act is reproduced below:

“Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, 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;..”

Here, attention of the Appellant is also invited towards a judgment of the Hon’ble Supreme Court on the scope and ambit of Section 2(f) of RTI Act in the matter of **CBSE vs. Aditya Bandopadhyay & Ors.**[CIVIL APPEAL NO.6454 of 2011]wherein it was held as under:

*“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.....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.” (Emphasis Supplied)***

Similarly, in the matter of ***Khanapuram Gandaiah vs Administrative Officer &Ors.*** [SLP (CIVIL) NO.34868 OF 2009], the Hon'ble Supreme Court held as under:

"7...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..."
(Emphasis Supplied)

And, in the matter of ***Dr. Celsa Pinto, Ex-Officio Joint Secretary,(School Education) vs. The Goa State Information Commission*** [2008 (110) Bom L R 1238], the Hon'ble Bombay High Court held as under:

"..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by Section 2(f) as follows.

Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, 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;

*The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. **The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.*** (Emphasis Supplied

Nonetheless, point wise replies furnished by the CPIO to assist the Appellant is in the spirit of RTI, merits of which cannot be called into question.

In view of the above, no further relief can be granted in the matter. However, the Appellant is advised to make judicious use of his right to information in future.

Lastly, in pursuance to clause 4 of hearing notice, the CPIO is directed to share a copy of his latest written submissions free of cost with the Appellant immediately upon receipt of this order under due intimation to the Commission.

The appeals are disposed of accordingly.

**Saroj Punhani (सरोज पुनहानि)
Information Commissioner (सूचना आयुक्त)**

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