

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली – 110067
Munirka, New Delhi-110067

Decision no.: -CIC/MAGRI/A/2018/172339/03193
File no.: - CIC/MAGRI/A/2018/172339

In the matter of:

Ajay Manda

... Appellant

VS

Central Public Information Officer
Ch Charan Singh National Institute of Agricultural Marketing (CCSNIAM),
Kota Road, Bambala, Pratap Nagar, Jaipur, Rajasthan - 302033

... Respondent

RTI application filed on	:	22/08/2018
CPIO replied on	:	05/10/2018
First appeal filed on	:	08/10/2018
First Appellate Authority order	:	Not on record
Second Appeal dated	:	05/12/2018
Date of Hearing	:	19/03/2020
Date of Decision	:	19/03/2020

The following were present:

Appellant: Present over VC

Respondent: Smt. Hema Yadav, Director and CPIO, present over VC

Information Sought:

The appellant has sought the following information with reference to Orders of CIC already issued regarding CCSNIAM:

1. CCSNIAM has not provided the records for Q.No-15 and Q.No- 19 as per Order of CIC in file No. CIC/SH/2015/002091 (appellant vs CCSNIAM).
2. CPIO has claimed at the time of hearing for RTI application dated 19.10.2016 vide second Appeal No. CIC/UGCOM/A/2017/104290-BJ that CPIO has already replied the points of RTI. In this regard, provide details of replies given & dispatch thereof.

3. As CPIO claimed that reply of RTI 19.10.2016 has been given previously in Second Appeal No. CIC/UGCOM/A/2017/104290-BJ. Provide details of the questions which are the same for the RTI dt. 05.07.2016 connected with the second Appeal No. CIC/NIOAM/A/2017/112269/MP.
4. And other related information.

Grounds for Second Appeal

The CPIO did not provide any information to the appellant.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply of the CPIO. He further pointed out that he had asked for information on 46 points which was not replied point wise.

The CPIO submitted that the appellant was appointed as Senior Computer Operator in 2005. He joined the services in NIAM as Sr. Computer Operator w.e.f. 26.09.2005 in the pay scale of Rs. 6500-200-10500. He resigned from the services of the Institute in April 2008 purely on personal grounds. The Institute advertised the post of Sr Computer Operator in September 2008 along with post of Asstt. Director and Research Officer. Interviews were held for the post of Asstt. Director & Research Officer and the post of Sr. Computer Operator were not filled till date. No date for interview was fixed by the then Director General. The said post stands abolished as per the directions of the Ministry of Agriculture, Govt of India vide its letter dated March 5, 2010. She further submitted that the applicant is in the habit of writing various applications to different agencies and the Institute has been giving replies to all the RTI applications till date. No application is pending at the level of the CPIO. Proceedings were held by the Commission on October 8th, 2012 and the then Director General, NIAM also participated in the proceedings. Based on the submissions made by the Institute, the Commission held that

“The post of Sr. Computer Operator was not reserved for Scheduled Caste and the post was later abolished by the Ministry of Agriculture, Govt. Of India in a review and the selection to the post could not take place. The petitioner has no claim simply on the ground that he made application. There is no caste prejudice or deprivation of safeguard. Hence the matter is closed”.

The Institute has replied to all the RTI applications received from the appellant without any fee. But the reply of RTI dated 15.08.2014 comes to around 1043 pages. The Institute had written a letter to Shri Ajay Manda for depositing the fee against the reply of RTI application. He has not deposited the amount till date and is blaming the Institute for non cooperation. The Institute again

wrote on 03.11.2015 for depositing the fee for another RTI but he did not comply nor communicated with regard to depositing fee.

The applicant filed an appeal for seeking information on various issues to the Central Information Commission. The Commission heard his case through video conferencing 4 to 5 times and as per direction of CIC, the Institute has provided the information.

The Commission has also noticed that

“ the applicant was a habitual information seeker for the last 9 years and the precious time of the public authority was being wasted in answering hypothetical issues raised by the appellant. No further intervention of the Commission is required in the matter. For redressal of his grievance, the appellant is advised to approach an appropriate forum.”

In regard to this RTI dated 22.08.2018 all questions have been replied to against different RTI applications. The replies of all the questions as mentioned in the RTI dated 22.08.2018 were enclosed alongwith the RTI application.

Observations:

Based on a perusal of the record, it was noted that the main contention of the appellant is that even if his RTI applications were rejected by the respondent authority while stating that the information had been already supplied to him,, he wants a copy of the letter through which the above sought information was provided to him to prove the fact that he is filing repetitive RTI applications.

On a query by the Commission from the CPIO to give details of the letter vide which the information was provided to the appellant or to submit if similar information was sought by the appellant through any of his previous RTI applications, the CPIO submitted that all questions have been replied vide different RTI applications.

The Commission also noted that the appellant vide the present RTI application in point no. 1, is raising a non compliance issue of the order of the Commission in CIC/SH/2015/002091 and others. The appellant should file separate non compliance petitions in this regard. For other points, he has sought clarifications. It is relevant to mention here that information sought is on 46 points and replying to the appellant's series of question would disproportionately divert the resources of the public authority and attracts the provisions of Sec. 7(9) of the Act. In case nos. CIC/NIOAM/A/2018/150494,

150495 and 164418 the Commission granted limited relief to the appellant on 20.11.2018. However, the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. The Commission finds it pertinent to rely on the following decisions:

The Hon'ble Supreme Court's observation in *Central Board of Secondary Education (CBSE) & anr. v. Aditya Bandhopadhyay and others* [(2011) 8 SCC 497] held that:

*"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). **Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and 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. 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."***

The appellant should know that the RTI Act is a means to promote public interest and should not to be used as an instrument to harass the public authority. His multiple RTI applications have a grave impact on the functioning of the respondent and if this is allowed, the public authority cannot focus on their core duties and their entire time will be devoted to such repeated/multiple RTI questions. This is misuse and it has to be checked.

Decision:

Therefore, without commenting on the merits of the rival contentions made by the parties, the Commission deems it appropriate to dismiss this appeal, as voluminous information was sought for which replies have been provided and any further requirement for disclosure would disproportionately divert the resources of the public authority. The appellant is advised to be responsible and avoid filing repeated RTI applications seeking voluminous information.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date