

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Case Nos.

CIC/SA/C/2014/000079	CIC/SA/C/2014/000080	CIC/SA/C/2014/000081
CIC/SA/C/2014/000083	CIC/SA/C/2014/000084	CIC/SA/C/2014/000085
CIC/SA/C/2014/000086	CIC/SA/C/2014/000089	CIC/SA/C/2014/000092
CIC/SA/C/2014/000106	CIC/SA/C/2014/000108	CIC/SA/C/2014/000109
CIC/SA/C/2014/000111	CIC/SA/C/2014/000113	CIC/SA/C/2014/000114
CIC/SA/C/2014/000118	CIC/SA/C/2014/000119	CIC/SA/C/2014/000120
CIC/SA/C/2014/000121	CIC/SA/C/2014/000124	CIC/SA/C/2014/000125
CIC/SA/C/2014/000126	CIC/SA/C/2014/000131	CIC/SA/C/2014/000135
CIC/SA/C/2014/000136	CIC/SA/C/2014/000138	CIC/SA/C/2014/000139
CIC/SA/C/2014/000140	CIC/SA/C/2014/000143	CIC/SA/C/2014/000144
CIC/SA/C/2014/000146	CIC/SA/C/2014/000147	CIC/SA/C/2014/000149
CIC/SA/C/2014/000151	CIC/SA/C/2014/000152	CIC/SA/C/2014/000154
CIC/SA/C/2014/000155	CIC/SA/C/2014/000156	CIC/SA/C/2014/000157
CIC/SA/C/2014/000158	CIC/SA/C/2014/000162	CIC/SA/C/2014/000163
CIC/SA/C/2014/000164	CIC/SA/C/2014/000165	CIC/SA/C/2014/000166
CIC/SA/C/2014/000167	CIC/SA/C/2014/000168	CIC/SA/C/2014/000169
CIC/SA/C/2014/000170	CIC/SA/C/2014/000171	CIC/SA/C/2014/000172
CIC/SA/C/2014/000115	CIC/SA/C/2014/000174	CIC/SA/C/2014/000175
CIC/SA/C/2014/000134	CIC/SA/C/2014/000160	CIC/SA/C/2014/000161
CIC/SA/C/2014/000176	CIC/SA/C/2014/000178	CIC/SA/C/2014/000179
CIC/SA/C/2014/000180	CIC/SA/C/2014/000181	CIC/SA/C/2014/000182
CIC/SA/C/2014/000183	CIC/SA/C/2014/000186	CIC/SA/C/2014/000187
CIC/SA/C/2014/000188	CIC/SA/C/2014/000189	CIC/SA/C/2014/000190
CIC/SA/C/2014/000191	CIC/SA/C/2014/000192	CIC/SA/C/2014/000193
CIC/SA/C/2014/000194	CIC/SA/C/2014/000195	CIC/SA/C/2014/000196
CIC/SA/C/2014/000197	CIC/SA/C/2014/000198	CIC/SA/C/2014/000200
CIC/SA/C/2014/000202	CIC/SA/C/2014/000203	CIC/SA/C/2014/000208
CIC/SA/C/2014/000209	CIC/SA/C/2014/000210	CIC/SA/C/2014/000211
CIC/SA/C/2014/000214	CIC/SA/C/2014/000216	CIC/SA/C/2014/000217
CIC/SA/C/2014/000219	CIC/SA/C/2014/000222	CIC/SA/C/2014/000225
CIC/SA/C/2014/000227	CIC/SA/C/2014/000228	CIC/SA/C/2014/000233
CIC/SA/C/2014/000234	CIC/SA/C/2014/000235	CIC/SA/C/2014/000237
CIC/SA/C/2014/000238	CIC/SA/C/2014/000239	CIC/SA/C/2014/000241
CIC/SA/C/2014/000242	CIC/SA/C/2014/000243	CIC/SA/C/2014/000244
CIC/SA/C/2014/000246	CIC/SA/C/2014/000247	CIC/SA/C/2014/000249
CIC/SA/C/2014/000250	CIC/SA/C/2014/000251	CIC/SA/C/2014/000254
CIC/SA/C/2014/000255	CIC/SA/C/2014/000256	

Complainants.

Umang Gupta
Sagar Kumar Lal
Pallavi Agarwal

Ankit Tiwari
Arjun Rastogi
Vikrant Yadav

Manish Sati
Shery Mehta
Harsh Bajpai

Raunika Johar
Aditi Kharpate
Kamla Taneja

Nikita Sharma	Garima Choudhary	Shashwat Rastogi	Ankita Tandon
Rohit Bafana	Gaurika Mohan	Saumiya Parmar	Natasha Bardia
Manu Gupta	Sahil Tandon	Saurabh Arora	Aalekh Nirala
Smriti Jain	Prachi Kohli	Saksham Agarwal	Neha Mittal
Ajay Singh Tanwar	Aprajita Singh	Gurpratap Singh	Vijiya Singh Tomar
Akansha Sisodia	Soumya Singh	Shashank Dewan	Anurag Gupta
Manpreet Kaur	Sharanya Sinha	Rhea Srivastava	Tanya Jolly
Anuj Srivastava	Harshit Manaktala	Ashutosh Uttarwar	Vatsala Singh
Ashutosh Upadhyay	Falguni Rambhasha	Aishini Mandal	Shambhavi Shukla
Kanika Arora	Rohit Nema	Akansha Shahi	Gitika Dixit
Vibhuti Sharma	Jaskaran Kaur	Parakram Roy	Revathi Ranganathan

Ashish Tiwari	Aashima Chhabra	Jayashree Parihar	Ashutosh Nagar
Shashank Dixit	Satyam Bhatia	Tarang Nagar	Srishti Mallick
Sneha Pillai	Reena Chugh	Akansha Ghose	Aneesha Dev
Shivangi Porwal	Ankan Rai	Snigdha Kuriyal	Shivangi Agarwal
Nishtha Chaturvedi	Rishika Sugandh	Meha Verma	Ananya Pratap Singh
Mehak Kuria	Gursimran Kohli	Abhishek Kumar	Amana Khare
Vatsal Dhar	Palak Mahajan	Satyam	Anvesha Chatterjee
Kiran Mishra	Divyanshu Priyadarshi	Nainshree Goyal	Rangam Sharma
Kathakoli Bose	Soundararajan R	Aamita Ashok Kadam	Nitin Mittal
Prateek Yadav	Isha Tyagi	Ashna Avasthi	Nidhi Ahir
Anshul Duggal	Pranav Shangari	Pooja Vohra	Tarun Sharma
Mishika Bajpai	Anjali Meghani	Karanbir Thind	Prerita Aggarwal
Aditi Sushree	Srishti Tripathy	Akagata Singh	Anbhinav Dutt
Shruti Dass	Ridhi Munjal		

Respondent : National Green Tribunal

Date of hearing : 3.12.14, 8.12.14 & 22.12.14

Date of decision : 31.12.2014

**Information Commissioner : Prof. M. Sridhar Acharyulu
(Madabhushi Sridhar)**

**Referred Sections : Section 18 of the
RTI Act**

**Result : Complaint allowed
Disposed of**

Heard on 3.12.14 , 8.12.2014 & 22.12.2014. Complainants not present.

Respondent is represented by Standing Counsel Ms.Jaya Goyal , Mr. Umang Mittal and Shri Chetan Chawla,PIO.

2. The complainants had filled RTI application on various dates which was replied by the CPIO. All the RTI applications contain the same questions and have only been filed by different persons and registered separately. The information sought and the reply provided in all cases are given below:

S.No.	Information Sought	Reply provided
1.	Since the establishment of the tribunal till date, what number of applications were filed before the Tribunal u/s 14 and/or u/s 15 of the National Green Tribunal Act 2010?	Data of the cases in the National Green Tribunal is maintained as per their Registration number, year of registration, Institution, Pendency and Disposal.
2	Since the establishment of the tribunal till date, what number of appeals were filed before the tribunal u/s 16 of the NGT Act 2010?	Data of cases filed in the NGT is not maintained
3	Since the establishment of the tribunal till date, what number of appeals were filed before the tribunal u/s 15(1)(a) of the NGT Act 2010?	subject-wise or district/place-wise.
4	Since the establishment of the tribunal till date, in what number of cases relief and compensation is granted by the tribunal u/s 15(1)(b) of the Act?	Hence, the information asked for is not maintained in the NGT. The applicant may inspect the relevant files in the concerned
5	Since the establishment of the tribunal till date, in what number of cases 'restitution of property damaged 'is awarded by the tribunal u/s 15(1) (c) of the Act?	Zonal Bench by making appropriate applications, as per the NGT Rules, if so advised."
6.	Since the establishment of the tribunal till date, in what number of cases penalty is imposed by the Tribunal u/s 26 of the Act.	

Questioning this kind of denial the applicants made several complaints before the Commission.

3. During the hearing, the Respondent CPIO and Standing Counsel Ms. Jaya Goyal submitted that information sought is not available in the format it is asked. She added that there are three Benches in Delhi, five all over the country and the judgments delivered by all Benches are made available in the website of NGT <http://www.greentribunal.gov.in>. She added that it can be accessed by everyone, after entering the relevant case file or Party details.

4. The PIO saying that the information asked for is not maintained in their authority, also suggested the appellants to have inspection of relevant files in the concerned Zonal Benches. This is contradictory and not reasonable.

5. Respondent claimed that PIO has to scan each and every page to cull out the information requested which would disproportionately divert the resources of the Public Authority and invoked the Section 7(9) of RTI Act, saying it is the duty of the research scholars and not the duty of the PIO.

6. Section 7(9) of the Act says:

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.

A cursory glance of the above section clearly shows that information has to be supplied in whatever form it is maintained by the public authority and in this case, CPIO has stated that data is maintained as per their Registration number, year of registration, Institution, Pendency and Disposal. Even assuming that information sought is not maintained in the way it has been sought, nothing prevented the CPIO in disclosing the information in the way it has been maintained by the Public

Authority at least at the Principal Bench of NGT or inviting the Complainants to inspect the records and supply the documents identified by them after inspection.

7. Hon'ble Kerala High Court in **TREESA IRISH vs. THE CENTRAL PUBLIC INFORMATION OFFICER [WP(C).No. 6532 of 2006]**, with regard to Sec 7 (9) of RTI Act, had observed as follows:-

"25. The Standing Counsel for the Public Service Commission also raises a contention that if all the candidates apply for copies of answer papers, it would disproportionately divert the resources of the public authority and therefore disclosure of the same is exempt under Section 7(9) of the Act. I am of the opinion that the said contention is misconceived. That Section reads thus:

"7. Disposal of request
....."

(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."

That Section does not even confer any discretion on a public authority to withhold information, let alone any exemption from disclosure. It only gives discretion to the public authority to provide the information in a form other than the form in which the information is sought for, if the form in which it is sought for would disproportionately divert the resources of the public authority. In fact there is no provision in the Act to deny information on the ground that the supply of the information would disproportionately divert the resources of the public authority....."

8. With regard to the question of transfer of RTI Application to other Zonal Tribunals. It is relevant to see Section 6(3) of the RTI Act

(3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

9. Full bench of the Commission in **Shri Ketan Kantilal Modi Vs. Central Board of Excise & Customs [CIC/AT/A/2008/01280]** had discussed the applicability of Sec 6 (1) & 6 (3) of RTI Act and had observed as follows :

“52. The arrangement of these two sub-sections of Section 6 leads to the inference that there are certain definitive expectations of due diligence from an information-seeker □ about identifying the public authority where the requested information is known to be held. Section 6(3) casts an obligation on the CPIO to transfer an RTI-application filed under Section 6(1) to another public authority where the former knows the information is held □ a fact which a petitioner was not expected to know given the circumstances. In other words, Section 6(3) is the exception to the general rule contained in Section 6(1) that a request for information should be filed before a public authority, which holds the information. The decision whether to transfer an RTI-application within the meaning of Section 6(3) is to be the CPIO's given the circumstances of the matter. For example, a public authority may be known to be holding a certain set of information but due to internal arrangement that information might have been given under the control of some other public authority, which fact might not have been known to the information-seeker. The CPIO of the public authority receiving

the RTI-application may then helpfully transfer the request to the public authority who now controls the information. There may be several such instances where an applicant may file his request under a bona-fide impression that a certain public authority holds a certain information, which may not be a valid impression. The CPIO then can help the petitioner by transferring his application to the public authority which may be concerned with the information.

53. It follows from it that when a petitioner is aware of the location of a given information vis-à-vis a public authority, it is not open to him to file his RTI-application before any other public authority in the expectation that this latter public authority would act under Section 6(3) to transfer his application to where the information was known to

be held. As in this particular case, it is quite obvious that the appellant was fully cognizant of the fact about the information requested by him being held by Chief Commissionerates and Commissionerates of Central Excise. Yet, rather than approach those public authorities and all these where public authorities in their own rights for the information under Section 6(1), he chose the easy way out of filing his application under Section 6(1) read with Section 6(3) before the CPIO, CBEC, demanding simultaneously that the application be transferred to the Commissioners. Appellant's argument that CBEC was the Apex body or the nodal office, does not help him much because even if CBEC were to be all that appellant says it is nodal office or Apex body, etc. under the RTI Act it is a public authority and its rights and obligations flow from its status as that public authority under Section 2(h) of the Act. A public authority cannot be forced to accept obligations beyond the statutory limit in order to suit a petitioner's convenience.

54. We, therefore, hold that a petitioner is obliged under Section 6(1) to file his RTI-application before the CPIO of the public authority which

is the “concerned public authority”, which holds the information within the meaning of Section 2(j) of the Act.

55. The decision to transfer an RTI-application to another public authority under Section 6(3) is to be CPIO’s given the circumstances surrounding a particular request for information. These circumstances may vary from case to case and petition to petition and cannot be predetermined.

.....

58. In our view, in case CPIO of the public authority can easily and inexpensively transfer an information-request under Section 6(1) to its subordinate offices under Section 6(3), which in themselves may be public authorities, then such CPIO should proceed to do so. As in this case, since all it needed to transfer the request to other public authorities under the CBEC was to use the e-mail or the Internet, with which all these public authorities were connected, it should be possible to effect the transfer under Section 6(3).

...

63. As regards the points in second-appeal at V and VI regarding direction to DOPT regarding O.M. No.10/2/2006-IR dated June 12, 2008, as stated earlier, we do not consider this necessary at all. The decision of this Commission will hold good regardless of what is contained in the DOPT O.M. It is not this Commission’s responsibility to take cognizance of any interpretative circular or instructions issued by any Ministry or Department regarding specific provisions of the RTI Act. Once the Commission makes an order about the meaning of any Section or Sections of the Act, it is this order that holds [] any circulars /memoranda, etc. from Ministries, Departments or public authorities

notwithstanding.”

10. DoPT had issued a Circular No. 10/2/2008-IR dated 12/06/2008 clarifying the procedure and regulations for RTI applications received by a Public Authority regarding information concerning other Public Authority/Authorities, which is reproduced as below:

“A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought is available with it but is scattered with more than one other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of Section (6) of the Act. It is pertinent to note that sub-section (3) refers to ‘another public authority’ and not ‘other public authorities’. Use of singular form in the Act in this regard is important to note.”

11. With regard to the above OM No. 10/2/2008-IR dated 12.6.2008 of DoPT, the Commission in its Order dated 06.04.2009 in **P. Veerappan Vs. DoPT [CIC/WB/A/2007/01551 & 1552]** had asked DoPT to modify its OM to bring it in full conformity with the RTI Act, as follows:

“This direction is defective on the ground that collection of information can in no account be constituted to amount to the creation of information. However, it is also correct that u/s 6(1) an applicant is expected to move a request for information to those identified under sub-sections (a) & (b) of sec. 6(1). Under such circumstances, the CPIO of the public authority incorrectly applied to may indeed inform the applicant regarding the fact that it is not the concerned authority in the matter. However, if the information sought is part of the overall information sought in a particular application, but is not held by the concerned public authority, to whom the application is made, then that public authority is bound to make the transfer u/s 6(3) sub sec. (i) or (ii).

In the present case, however, we do agree that the Competent Authorities are described in sec. 2(e) of the RTI Act. Information regarding those competent authorities should indeed be sought from them directly. Since the CPIO DoPT has clarified that this information is distinct from what it holds DoPT and be held responsible for providing information only with regard to the latter. While the decision of Appellate Authority Miss Anuradha Chagti DS is, therefore, upheld on this issue, **the DOPT is directed u/s 19 (8) (a) sub sec. (iv) to modify its OM No. 10/2/2008-IR dated 12.6.2008 to bring it in full conformity with the law and avoid confusion among public authorities.”**

12. Subsequently, DoPT Via its OM No.10/2/2008-IR dt.1.6.2009 is brought about changes in its earlier OM, which is reproduced below:

2. The Central Information Commission while deciding an appeal has observed that collection of information cannot amount to creation of information and desired that the above referred OM should be modified so as to avoid any confusion among public authorities.

3. The undersigned is directed to clarify that the OM dt.12.6.2008 does not propose to say that collection of information per se amounts to creation of information. The above referred statement has been made to emphasize that the

public authority to whom the application is made is not required to collect information from different public authorities to supply it to the applicant.

13. In View of the above, the respondent authority is under obligation under Sec 6 (3) of RTI Act to transfer the RTI application to the corresponding Public authority, if the information sought is not held by them and intimate the same to the appellant.

14. The main issue before the Commission is with regard to the reply of the PIO, wherein they have stated that as the information sought had not been maintained by them in the form that the complainant had sought for, they requested the Complainant to inspect the records in the form maintained by them.

15. The question is: whether the respondent authority have an obligation to maintain the records sought by the complainant.

16. The Commission would draw the attention of the respondent authority to the decision of the Hon'ble Delhi High Court in **THE REGISTRAR, SUPREME COURT OF INDIA Vs. COMMODORE LOKESH K.BATRA AND ORS [W.P.(C) 6634/2011]**, holding that that CIC had power to issue direction for the maintenance of record. The Delhi High Court said:

“8. The principal controversy to be addressed is whether the CIC can issue a direction for disclosure of information in a form not maintained by a public authority. And, whether the CIC could give a direction for compiling of such information and its disclosure in future.

9. The expression “information” has been defined in Section 2(f) of the

Act as under:-

“(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;”

10. It is apparent from the above definition that the word ‘information’ -“material in any form”- is used in an expansive sense; it is not circumscribed by the manner in which it is kept or the medium on which it is stored. However, the manner in which information is maintained and the medium on which such information is stored is relevant for purposes of making it available to those who seek it. Undoubtedly, information regarding cases where the order has been reserved is information that is contained in the documents, including orders passed by courts, that are available with the Registry of the Supreme Court. In fact, the orders of the Supreme Court are placed on its website and thus, all information with respect to cases where judgment is reserved is otherwise available in public domain. However, the information is not collated and analyzed in the manner as sought by the respondent no.1. Thus, the only question is whether the same is required to be compiled in the manner as sought for by respondent no.1.

11. Insofar as the question of disclosing information that is not available with the public authority is concerned, the law is now well settled that the Act does not enjoin a public authority to create, collect or collate information that is not available with it. There is no obligation on a public authority to process any information in order to create further information as is sought by an applicant. The Supreme Court in *Aditya Bandhopadhyay* (supra) 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. 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.”

12. However, the above principle cannot be used to deny information that is available with a public authority, but not in the form as is sought. In the present case, it is the petitioner’s stand that it does not maintain the data “in the manner sought for” and thus, has no obligation to provide the same to the respondent no.1. This stand is, clearly, unsustainable.

13. The first application filed by the petitioner (i.e. on 17.12.2009) was, essentially, to seek information as to how many cases were pending disposal after the arguments were heard and orders reserved. The information as to cases that have been heard and orders reserved is, undeniably, available with the petitioner. The fact that there may not be any document that provides an analysis or the breakup of the period for which the said cases are pending after the hearing has been completed, does not mean that the said information is not available with the petitioner. The information as to period for which the judgments are reserved would be ascertainable from the orders reserving the said judgments. In my view,

the question whether such information is required to be reduced in the form as required by respondent no. 1 has to be answered with reference to Section 7(9) of the Act.

14. Sub-section 9 of Section 7 of the Act also provides that information would ordinarily be provided in the form which is sought unless it would disproportionately divert the resources or would be detrimental to the safety or preservation of the record in question. Sub-section 9 of Section 7 of the Act is quoted below:-

“(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.”

15. The obvious intention of the Parliament is to ensure that information is available to the public in a form that is convenient to them. In this view, the petitioner's contention that it has no obligation to provide the information, if it is not maintained in the form in which the respondent no.1 seeks it, cannot be accepted. In the event, it is not feasible for the petitioner to undertake an exercise of reducing the data available in the manner as is sought for by respondent no. 1, the petitioner could, nonetheless, provide such information as is readily available with the petitioner, which will enable respondent no.1 to ascertain such information. In this case, the petitioner could supply respondent no.1, the details of cases where the judgments were reserved and leave respondent no. 1 to search the orders reserving such judgments as the same are stated to be already in public domain.

16. The CIC had further directed that in the event such information was not centrally available, the impugned order should be brought to the notice of the competent authority to ensure that the same is compiled and placed in public domain. Indisputably, the period for which a case remains pending after the arguments, is relevant for any citizen who desires to know about the pendency of cases before the Supreme Court. Further, this is not a case where the petitioner does not have the data or the information that was sought for by the respondent no.1 but apparently, the information has been denied since that would require sifting through the data so available.

17. In the aforesaid back drop, the next question to be addressed is whether the CIC has the jurisdiction to issue/pass directions to ensure that necessary arrangements are made in future for compiling such information.

Section 4(1)(a) of the Act enjoins every public authority to maintain records in a manner and the form, which would facilitate the right to information under the Act. Plainly, information as to pendency of judgments is vital information regarding functioning of the courts. The Supreme Court in the case of Anil Rai v. State of Bihar: (2001) 7 SCC 318 had also pointed out that the confidence of the litigants in the results of the litigation is shaken if there is an unreasonable delay in rendering a judgment after reserving the same and had further suggested that the first page of the judgment also bear the date on which the same was reserved. In view of the relevance of the information the CIC has directed that arrangements be made for disclosing such information.

18. The next aspect to be considered is whether the CIC could direct that such information be placed in the public domain. **By virtue of Section 19(8)(a)(iv) of the Act, CIC has the power to direct a public authority for making necessary changes in its practice in relation to maintenance and management of records that is necessary to secure compliance with the**

provisions of Act. The Supreme Court in Aditya Bandhopadhyay (supra) has explained that the CIC's power to issue directions under Section 19(8)(a)(iv) to secure compliance with Section 4(1)(a) of the Act. Section 4(1)(a) of the Act reads as under:-

“4. Obligations of public authorities.—(1) Every public authority shall—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;”

19. A plain reading of the above provision indicates that it relates only to maintenance of records and is not concerned with placing information in the public domain. The information that is required to be placed in public domain is specified under Section 4(1)(b) of the Act and CIC would have no power to give directions for placing of additional information that is not specified under Section 4(1)(b). Thus, the impugned order, to the extent that it requires the information regarding the period for which the judgments are pending after being reserved, to be placed in public domain, cannot be sustained.

20. The petitioner referred to the decision in case of Mani Ram Sharma (supra) whereby the CIC had held that CPIO was not obliged to provide information regarding number of cases awaiting issuance of notice for removal of defects and removal of defects (separately) as the same were not maintained by the petitioner. It was contended that the CIC was bound to pass a similar order in

this case or refer the question to a larger bench. It is difficult to accept this contention as in this case, the CIC – undoubtedly, having regard to the nature of information sought - came to a conclusion that the information should be made available to general public and, therefore, directed that such information should be compiled. Thus, the decision of the CIC in Mani Ram Sharma (supra) has no application in the given facts of this case. In that case, the CIC had not found it necessary to give directions for maintenance of records to ensure that information sought in that case be made available to public. It is not necessary that in each case, a direction be issued for maintenance records in a manner to facilitate

access to all kinds of information. There may be innumerable records and vast data that may be stored in varying forms and media; it is neither necessary nor feasible that the manner in which records are to be maintained be changed to accommodate ready access to all information. However, in cases where certain information is of importance and relevant to public interest, the CIC can issue orders for compliance under Section 4(1)(a) of the Act. **The fact that such orders were not issued by the CIC in Mani Ram Sharma (supra) would not preclude the CIC from issuing the directions for maintenance of records for ready access of information.**

....

22. I find no infirmity with the impugned order in so far as it directs that the records may be maintained in a manner so that the information regarding the period for which the judgments are pending after being reserved, is available with the petitioner in future.”

17. The Commission notes that the respondent authority have uploaded in their website the Compliance of Sec 4 (1)(b) of RTI Act [<http://www.greentribunal.gov.in/writereaddata/notice/RTI-Manual-NGT->

1Oct2014.pdf], which is in the spirit of Right to Information Act. But the Commission notes that the respondent authority could have also uploaded the details of number of appeal/applications filed U/s 14 & Sec 15 of NGT Act and the number of cases in which the relief or penalty have been provided/imposed. The detail sought by the Complainant are in the nature of records which the tribunal have to maintain, for budget allocation or for the enforcement of the Orders.

18. The Commission in view of above, **require** the respondent authority Under Section 19(8)(a)(iv) of the Act to make necessary changes in its practice in relation to maintenance and management of records to secure compliance with the provisions of Act and the same be done within 1 Month of receipt of this Order.

19. The CPIO, during the hearing also stated that PIOs at Zonal benches were designated only two months ago and in his reply dt.30.1.14 had asked the Complainants to inspect the relevant files in the concerned zonal bench by making appropriate applications, as per the NGT rules. He has not stated as to under which section of the NGT Rule he is asking the Complainants to make appropriate applications and what does he mean by the term 'appropriate application'.

20. The Commission while exercising its power under section 19(8)(a) of the RTI Act, 2005 require the public authority to take necessary steps for updating of website and to comply with Section 4 of the RTI Act, by including the following:

- a) Classification of Judgments in addition to appellant-wise or case-number wise, should also be subject-wise. So that if some ordinary person wants to have NGT's decisions on any subject such as "Air Pollution", "Ganga pollution" etc, he should be able to get these decisions displayed on the

web site with one click, as the RTI Act is mainly meant for the common man and a common man cannot be equated with Advocates/clients;

- b) The judgments should also be Section wise, like Section 14 – Settlement of disputes, Section 15- Relief and compensation, 17-Liability, Section 26 – penalty and compliance;
- c) A Format should be developed to have a record on the columns like, liability fixed, relief provided, restitution done, compensation paid etc;
- d) The web-site should also provide FAQ(frequently asked questions) giving information on how to make a complaint including redress, how to get remedy, how to compensation for the victims of pollution/environmental damage;
- e) The contact numbers of relevant officers and official addresses should also be furnished.
- f) The Commission also suggested that every decision of the NGT should give a gist of operative portion, displayed prominently, at the beginning of the decision.

21. The Commission further requires the Respondent authority to provide all the necessary assistance to the CPIO including staff and internet facility in order to enable him to execute the work relating to RTI Act efficiently. With the above observations, the Commission **closes** all the complaints, except the complaint on two files No.CIC/SA/C/2014/000194, and CIC/SA/C/2014/000119 wherein the Respondent authority/CPIO is directed to **show cause** why penalty u/section 20 cannot be imposed on him for not furnishing the information to the complainant within the prescribed time limit. His explanation should reach the Commission within 3 weeks from the date of receipt of this order.

22. The Commission ordered accordingly.

Sd/-

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Dy. Registrar