

CENTRAL INFORMATION COMMISSION

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

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

Vishal Saini v. PIO, Dayal Bagh Educational Institute, Agra

Important Dates and time taken:

CIC/CC/A/2015/003189

RTI: 10.02.2015	Reply: 04.03.2015	FAA: 16.03.2015
SA: 01.05.2015	Hearing: 15.02.2016	Decision: 19-02-2016
Result: Rejected.		

CIC/CC/A/2015/003032

RTI: 10.02.2015	Reply: 04.03.2015	FAA: 16.03.2015
SA: 01.05.2015	Hearing: 15.02.2016	Decision: 19-02-2016
Result: Rejected.		

CIC/CC/A/2015/003033

RTI: 18.02.2015	Reply: 13.03.2015	FAA: 16.03.2015
SA: 01.05.2015	Hearing: 15.02.2016	Decision: 19-02-2016
Result: Rejected.		

CIC/CC/A/2015/003034

RTI: 14.02.2015	Reply: 12.03.2015	FAA: 16.03.2015
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SA: 01.05.2015	Hearing: 15.02.2016	Decision 19-02-2016
Result: Rejected.		

Parties Present:

1. Appellant is present. Mr. Hans Kumar Khanna, Administrative Officer (Computer) represents Public authority.

FACTS:

2. The appellant filed the RTI application seeking information about list of all temporary and permanent employees of DEI deemed university along with post/designation, caste category etc. The CPIO provided relevant information while inviting the appellant for inspection as files were voluminous. The CPIO vide his representation dated 9.1.2016 stated that the appellant has been student of this Institute and that his result was cancelled as he was accused of resorting to unfair means in examination. The appellant filed appeal before the first appellate authority (FAA) against the reply of CPIO. The FAA upheld the decision of CPIO. Dissatisfied with the order of FAA, the appellant filed a second appeal before this Commission under section 19(3) of the RTI Act.

Proceedings Before the Commission:

3. The CPIO by his representation dated 9.1.2016 has stated that the appellant was a student of the Institute and that he was caught resorting to unfair means in his M.Ed and again in M.Com examination upon which his entire result was cancelled. His relations deteriorated with the Institute and he started filing mass RTI applications with motive to harass the Institute.

4. The Commission considers this case as the repetitive misuse of RTI Act by this disgruntled applicant, assuming the proportion of harassment to the Public Authority and thus,

abuse of RTI Act. The Commission finds him to be an unreasonable trouble maker for the Dayal Bagh Educational Institute. The RTI Act is but for the bonafide people in general and only in public interest, and never for the private vengeance of the dissatisfied applicants who proven misconduct. RTI is not a rendezvous of disgruntled elements.

5. The Commission in its earlier order No.CIC/AD/A/2013/001326-SA delivered on 25-6-2014 in the case of R. C. Jain Vs. DTC, with respect to repetitive RTI applications:

“ Repetitive use of RTI an ABUSE :

5. The Commission considers this case as the case of repetitive use of RTI Act, assuming the proportion of harassment to the Public Authority and thus, abuse of RTI Act, by a disgruntled employee.

6. The respondent officers made fervent appeals to the Commission that they were compelled to spend most of the time in answering harassingly repeated questions about the same subject matter repeatedly asked from different angles; and about individual officers, whom, the applicant assumed to be responsible for the grievance. The Commission found that the applicant was one of the four disgruntled employees against whom action was taken or their claims were denied.

RTI: Not a rendezvous of disgruntled elements :

7. The Commission also noted an atmosphere of fear and worry was spread in the offices and the officers are hesitating to take action against erring staff members for fear of facing flood of questions under RTI. “

6. The Hon'ble Supreme Court in CBSE vs. Aditya Bandopadhyay, (2011) 8 SCC 497, while explaining the significance of RTI had also observed as follows:

“ 67. Indiscriminate and impractical demands or directions under the 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 counterproductive 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 prioritizing "information furnishing", at the cost of their normal and regular duties."

7. Hon'ble Delhi High Court in SHAIL SAHNI vs. SANJEEV KUMAR AND ORS. [W.P.(C) 845/2014] with regard to the Misuse of the RTI Act had observed as follows :

"10. ... This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law. "

8. As held by Hon'ble Mr. Justice Manmohan in W.P.(C) 406/2016 of Delhi High Court in case of Shail Sahni vs Smt Valsa Sara Mathew & Ors. , 19th January, 2016

"Keeping in view the width and amplitude of the information sought by the petitioner, it is apparent that the RTI application of the appellant is nothing short of an abuse of process of law and motivated if not an attempt to intimidate the respondent.

... Indiscriminate and impractical demands or directions under the 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 counterproductive 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. "

9. While placing reliance upon Shail Sahni Vs. Sanjeev Kumar and Ors, W.P. (C) 845/2014, it was further observed that "misuse of RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent statute, when made a tool for mischief and abuse must be checked in accordance with law."

10. The Commission while observing that frivolous or vexatious proceedings amount to an abuse of the process of the Commission,

a) records admonition of the applicant for abusing his right to information and clogging public office,

b) records a stern warning that any such attempt to harass the Public authority with same or similar RTI application would be viewed as serious obstruction to activity of public authority which attracts appropriate action as per law,

c) recommends the public authority not to entertain the same applicant anymore if he continues abusing right to information.

11. In view of the above, the Commission accordingly, rejects all the four appeals of the appellant.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(U. C. Joshi)
Deputy Secretary

Addresses of the parties:

1. The CPIO under RTI,
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