

CENTRAL INFORMATION COMMISSION

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

File No.CIC/AD/A/2013/001326-SA

(Mr. Ramesh Chand Jain Vs. DTC)

Appellant : **Mr. Ramesh Chand Jain**

Respondent : **Delhi Transport Corporation**
GNCTD, Delhi

Date of hearing : **16-06-2014**

Date of decision : **23-06-2014**

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

Referred Sections : **Sections 3, 19(3) of the**
RTI Act

Result : **Appeal allowed / disposed of**

Observation : **A case of mis-use of RTI Act**

The appellant is not present. The Public Authority is represented by Mr. Raj Kumar Singh, Senior Manager (Adm) along with three other officers from the Delhi Transport Corporation, Govt. of NCT of Delhi.

FACTS

2. Through his RTI application dated 8-11-2012, the appellant is seeking information regarding the service details and assets of the then CMD, DTC, Mr. Rajiv Verma and also

information on the retired employees who have been granted pension as mentioned in his RTI application etc. PIO gave information by his letter dated 3-12-2012. Not satisfied with the same, the appellant filed first appeal before the FAA. FAA by his order dated 4-2-2013, issued directions to the PIO (HQ) to collect the specific and correct information on the RTI application from the concerned unit/dept and provide to the appellant within 15 days of the order. Being unsatisfied with the information provided by the respondent authority, the appellant filed 2nd appeal before the Commission.

Decision:

3. Heard the submissions made by both the respondent authorities. The respondent authority submitted that the appellant Mr. Ramesh Chand Jain has filed **around 130 RTI applications, mostly on the similar subject, i.e. non-payment of pension to him, for which he is not entitled as per rules**, as he did not put in the requisite qualifying service of 10 years. He keeps on asking through RTI applications, details about the officers involved in deciding his pension case. As sought, the respondent authority has given the information about the amount of salary of the then CMD, Mr. Rajiv Verma and other related information.

4. The Commission directs the respondent authority to follow and implement the provisions of section 4(1)(b) of the RTI Act and make voluntary disclosure about the names, designations, salaries and functions of all the administrative officers of the respondent authority along with other information required under the said section. The appellant has filed a number of RTI applications. As the relevant information was already provided by the respondent authority to the appellant, the Commission closes the present appeal. The Commission chooses this context to hold that repetitive use of RTI as abuse and should be a ground for refusal of application and appeal, for the following reasons:

Repetitive use of RTI an ABUSE

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

6. The respondent officers, in this case and several other similar cases made fervent appeals to the Commission that they were compelled to spend most of the time in answering harassingly repeated questions about same subject matter from different angle and about individual officers, who the applicants assume to be responsible for their grievance. At least four officers disgruntled because of action taken against them or denial of their claims.

RTI: Not a rendezvous of disgruntled elements

7. The Commission noticed three or four former employees in every public authority, who were either suspended or removed or facing charges, convicted in a crime or facing disciplinary action trying to run a counter inquiries with harassing questions. The Commission also noted an atmosphere of fear and worry was spread in the offices and officers started hesitating to take action against erring staff members for fear of facing flood of questions under RTI. Sometimes, the RTI applications run into hundreds of questions similar to those posed by lawyers during cross examination or appear like a parallel enquiry against the authorities who might have ordered disciplinary action against them. The respondents submitted they were ready to comply with the RTI Act but answering 'enquiry' type questions and repeated RTI applications would involve diversion of resources, energy besides demoralizing them. The Commission appreciates the genuineness of the problem and sincere

feelings of the respondent officers and finds a need to address this serious issue. It is the responsibility of Information Commissions and Government of India to see that the RTI Act will not become the rendezvous for disgruntled elements.

Positive impact of RTI

8. However, the Commission also takes this opportunity to remind that because of RTI questions a positive sense of accountability had been introduced and certain systems of discipline and answerability are being put in place in several departments. The disarray situation of files and records keeping is changing and systematic keeping of records is being initiated. If abuse or repetitive use is curtailed, the RTI will empower the citizen and makes public authorities more accountable and democracy will be driven by informed citizenry.

Placing RTI abusers information in public domain

9. To address the problem of harassing repeated question, the Commission recommends the respondent authority to analyze all the RTI applications filed by such appellants, compile all the questions contained therein and indicate the information provided against them and upload the same in the website as part of voluntary disclosure, after sending a copy to the appellants and the Commission. That consolidated information along with a background note based on facts, avoiding unfounded allegations should also be placed. The Commission also recommends exhibiting the information in their notice board at the entrance or any conspicuous place in their office, taking a photograph of such a notification and posting it on the website.

10. The entire information about the repeated RTI questions by appellants (such as, Mr. RC Jain, Mr. Jai Kumar Jain, Mr. Sat Dev Sharma and Mr. Suraj Prakash Bakshi, etc. as complained by the respondent authority in this case), and the documents given by the Public authority, the private interest of the appellants, lack of public interest in the said RTI applications, etc. also should be kept in the public domain, so that people do not resort to file repeated vexatious RTI applications, clogging the public authority and depriving them of their valuable time to be spent on the performance of their duties. The information in website also serve as answers to RTI question if repeated again, to which the reference or weblink could be given. The same may be reported in their counters to first and second appeals.

IC MM Ansari's observations

11. In Prem Prakash Kumar v NFL, Panipat, (Decision no. 246/IC/(A)/2006, F.No. CIC/MA/A/2006/00374 & 375 dated 28 August 2006) the appellant sought documents and specific comments of CPIO on 89 queries. The Learned Commissioner Shri M M Ansari observed that in fact, the nature of queries and the information sought are such that the information seeker would never be satisfied because the promotion of self interest, rather than public interest, was dominant, as the appellant had sought redressal of grievances.

A N Tiwari's observations

12. In Shri Gopal Soni v The New India Assurance Company Ltd (F No CIC/AT/A2008/00097, 000116, 000124, dated 12.6.2008) Learned Commissioner Shri A. N. Tiwar dealt with similar problem. The respondents above submitted that the appellant, their

employee, was suspended for insubordination and misconduct, and ever since he directed a spate of applications containing queries for detailed, voluminous but inane information which would have to be collected and collated from over 30 branches. The Commission held in this case: answering the elaborate and detailed queries, which have to be both accurate and authentic, imposes heavy cost on the public authority and tends to divert its resources, which brings it within the scope of section 7(9) of RTI Act.

Shailesh Gandhi's observations

13. It is relevant here to quote a paragraph from the order of Learned Information Commissioner Sri Shailesh Gandhi in case numbers CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909/18137 Dated 17 January 2012 in a second appeal between **S. P. Goyal Vs. Indian Overseas Bank** : The Commission, at several appellate hearings, has explained to the complainant that under RTI Act, only the information as per records can be made available; multiple RTI applications and appeals would not provide him any information beyond the records that exists. The Commission recognizes the fact that valuable time of the complainant, respondent-public authority as well as the Commission is being spent in merely going through the motions prescribed under the RTI Act again and again to obtain similar information. At this juncture the Commission would like to mention that though the right to information is a fundamental right of the citizens, it cannot be used indiscriminately to fulfill the demands of one individual. In the present matter, it must be noted that the Complainant is pursuing multiple litigation and various public authorities are being asked to divert an extraordinarily disproportionate amount of resources just to respond to hundreds of RTI applications filed by him. ...The Commission is also conscious of the fact that it is financed by the poorest man in this country who may be starving to death. The complainant by repeatedly

filings similar RTI applications and appeals with the respondent public authority and the Commission is wasting public resources.

14. In the above case the Commissioner Sri Shailesh Gandhi observed that appellant was using RTI Act as a litigation tool, his use of RTI was vexatious in nature, and held that entertaining such appeal could no longer serve the objectives of the RTI Act and at one go the Commissioner had disposed off all the pending appeals.

No scope for repeating under RTI Act

15. Though RTI Act, did not specifically provide this as a ground of refusing the information, it is implied from the various provisions of RTI Act, that any citizen has right to information only once and not repeatedly.

16. Once information is given, applicant shall not seek the same once again. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI application amounts to clogging the office of public authority and CPIO would be right in refusing the same with intimation. Because the Repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office.

Commission shall record ABUSE, admonish ABUSER

17. As there is no provision in RTI Act, 2005 to penalize the applicant for abusing his right to information or clogging public office, Commission finds itself helpless with regard to penalizing them. However the Commission believes that it can record the fact of abuse of RTI Act, 2005 and notify the admonition, direct/recommend applicants not to resort to abuse anymore and direct/recommend public authorities to refuse them. If any applicant resorts to three such repeated RTI applications, the Commission may even recommend blocking of such abuse and direct the public authority not to entertain the same applicant anymore, which has again to be notified.

Waste of public time and obstructing RTI

18. All the above discussion can be consolidated into two reasons:

- (i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time would have been spent to hear another appeal or answer another application or perform other public duty.
- (ii) Every repetition of RTI application is an obstruction of flow of information and defeats the purpose of the RTI Act.

Citizen has no Right to Repeat

19. For the above reasons and based on objective of the RTI Act, its provisions, which should be read together, and above orders by the learned Commissioners, this Commission observes:

- a) The citizen do not have a right to repeat the same or similar or slightly altered information which he already got, (the combined reading of various provisions of RTI Act, along with the statement of objectives of the Act)
- b) Once an RTI application is answered, the appellants shall refrain themselves from filing another RTI application against the public authority as once information is received and held by them or posted in public domain, the applicants are not supposed to seek it again under RTI applications.

Repetition shall be ground of refusal

- c) Such repetition shall be considered as ground of refusal under the RTI Act.
- d) An applicant or appellant repeating the RTI application or appeal either once or files multiple applications, in certain cases hundreds of queries, suppressing the fact of earlier application and receipt of the answer, the CPIO of public authority shall explain such facts and intimate the applicant, and reject it forthwith, giving such reason.

Appeals can be rejected

- e) The First Appellate Authority shall be right if they reject first appeal on this ground and the Commission also would only be justified in rejecting such appeal.

Recommendation to MoPT:

20. The Commission recommends the Ministry of Personnel and Training, the nodal agency for implementation of RTI Act, to commission the framing of guidelines, based on the experience from various public authorities and the orders of the Commissions of Central Information Commission and State Information Commissions, for the benefit of and ready reference by Central Public Information Officers to refuse the repeated RTI applications, provide a ground for First Appellate Authorities to refuse second appeals if arise out of such refusals and similarly to reject the Second Appeals by Information Commissions either central or state.

21. The Commission directs the deputy registrar to send the copy of this order to the Ministry of Personnel and Training with a recommendation to send it to all the Public Authorities, First Appellate Authorities and State Information Commissions.

22. The Commission also directs the deputy registrar to send a copy of this order to all learned Commissioners of Central Information Commission for their kind information and valuable suggestions

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Ashwani K. Sharma)
Designated Officer

Address of the parties:

1. The CPIO under RTI, Govt. Of NCT of Delhi,
Delhi Transport Corporation, Pension Cell,

I.P.Estate, New Delhi-110002

2. Shri Ramesh Chand Jain

T-135, Raj Pura, Gur Mandi

Delhi-110007

Designated Officer & Dy.Registrar to IC(SA), CIC, is to forward a copy of this order to the following dignitary, with reference to para 21 of the above order:-

3. Secretary to Government of India,

Department of Personnel, Ministry of Personnel & Adm. Reforms&Pension

North Block, NEW DELHI-110001

Designated Officer & Dy.Registrar to IC(SA), CIC is to forward a copy of this order to the Dy. Registrars of the following dignitaries with reference to para 22 of the above order:-

1) Chief Information Commisioner, CIC

2) Information Commissioner (VS), JNU

- 3) Information Commissioner (BS), JNU
- 4) Information Commissioner(YA)
- 5) Information Commissioner(SH)
- 6) Information Commissioner(MP)
- 7) Information Commissioner(KY)