

and informed in-house workforce which would be to the advantage and not to the detriment of the insurer employer namely UII Co. Therefore this argument to support non disclosure of the question booklet is dismissed as being without merit.

10. Information to be provided within six weeks of receipt of order

RTIRI (2013) 136 (CIC)

Central Information Commission

Coram: Deepak Sandhu, Central Information Commissioner

Appeal No. CIC/DS/A/2012/001283

Date of Hearing: 10 January 2013

Date of Decision: 10 January 2013

Appellant/Complainant

: Devraj Manav

Public Authority

: North Delhi Municipal Corporation, New Delhi [Sh. K.K. Lohar, CSI/DEMS, SP Zone, Sh. J.K. Sharma, SS, DEMS, Narela Zone, Sh. Jugal Kishore, OS, DEMS, North HO, Sh. Naresh Kumar, SS/KBZ, Sh. Hoshier Singh, SS/RZ, DEMS, Sh. Mohan Singh, SS/DAEMS/CZ, Sh. Abhinesh Kumar, UDC/DEMS, CL Zone]

Right to Information Act 2005 – Section 7(9) – Information disclosure of which would disproportionately divert the resources of the public authority – Section 8(1)(j) – Personal Information – Relating to deceased person – the applicant filed RTI application before the CPIO, MCD, New Delhi to obtain information for the period January 1994 to December 2011 pertaining to the names of deceased who were in the employee of the Department along with personal details, names of applicants who had applied for employment on compassionate grounds pursuant to the death of the deceased employees along with all their personal information – the FAA held that the information sought by the appellant is extremely voluminous and scattered over various zones of MCD and also not available in a compiled form. Compiling of this information would disproportionately divert resources of the public authority in terms of section 7(9) of the RTI Act – the Commission agreed with the order of the FAA and held that the appellant has not established any larger public interest in the disclosure of information which is voluminous and requires to be compiled from large number of files across several departments of MCD. It is an established fact that the privacy of all persons including those deceased must be respected and all the personal details pertaining to the deceased can certainly not be disclosed to the appellant in the absence of any larger public interest.

Facts

1. Applicant submitted RTI application dated 6 February 2012 before the CPIO, MCD, New Delhi to obtain information for the period January 1994 to December 2011 pertaining to the names of deceased who were in the employee of the Department along with personal

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- details, names of applicants who had applied for employment on compassionate grounds pursuant to the death of the deceased employees along with all their personal information.
2. Vide CPIO order dated 27 February 2012, the RTI application was forwarded to the various holders of information in the different departments of the MCD.
 3. On not receiving full and complete information, the applicant preferred appeal dated 12 March 2012 before the first appellate authority.
 4. Vide FAA order dated 25 April 2012, wherein it was recorded that the CPIOs had already provided information to the appellant as was available with them. Appellant was requested to inspect the record and specify the records/documents required by him so that the same could be provided to him however, the applicant did not agree to this suggestion.
 5. The first appellate authority also recorded that the information sought by the appellant is extremely voluminous and scattered over various zones of MCD and also not available in a compiled form. Further, it was argued that compiling of this information would disproportionately divert resources of the public authority in terms of section 7 (9) of the Act therefore, it was ruled that it was not possible to provide the requested information to the appellant as it was not readily available with the CPIO.
 6. Applicant preferred second appeal before the Commission.
 7. Matter was heard today. CPIOs of the various departments of the MCD appeared in person as recorded above. Appellant did not appear.

Decision notice

8. After hearing the respondent CPIOs and perusing the facts on record, Commission agrees with the order of the first appellate authority. The appellant has not established any larger public interest in the disclosure of information which is voluminous and requires to be compiled from large number of files across several departments of MCD. Further it is observed that the appellant has already been provided information regarding the names of the deceased employees along with name of father and date of death as well as status regarding payment of terminal benefits. It is an established fact that the privacy of all persons including those deceased must be respected and all the personal details pertaining to the deceased can certainly not be disclosed to the appellant in the absence of any larger public interest been demonstrated by him as per section 8(1)(j) of the Act.
9. In respect of details pertaining to Swachchata Karamcharis appointed on compassionate grounds, the names of those persons along with the recommendations of the recommendatory committee in this regard can be provided to the appellant if he seeks specific information directly from each of the departments all of which have appointed separate CPIOs by preferring independent RTI applications. Commission notes that by seeking information that covers 18 years starting with January 1994, the appellant has certainly put great pressure on the resources of the MCD without any commensurate benefit to the larger public interest. Appellant is warned to desist from such actions in future. Commission wishes to highlight the order of the Hon'ble Supreme Court of India in the matter of *CBSE v Aditya Bandhopadhyaya and another* (Civil Appeal No. 6454 of 2011 dated 9 August 2011), [RTIR III (2011) 242 (SC)], the Apex court has observed,

"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 prioritizing information furnishing, at the cost of their normal and regular duties."

10. The appellant must show utmost responsibility while exercising his right under the Transparency Act in future. With this warning, the appeal is dismissed.

RTIRI (2013) 138 (CIC)

Central Information Commission

Coram: Deepak Sandhu, Central Information Commissioner

Appeal No. CIC/DS/A/2012/0013

Date of Hearing: 08 January 20

Date of Decision: 08 January 20

Appellant/Complainant

: Narender Kumar

Public Authority

: United India Insurance Co. Ltd., Chennai/Chandigarh [B.L. Narsimha Rao, CPIO/FAA & Sh. Roop Singh Az CPIO - through videoconferencing]

Right to Information (Regulation of the Fee and Cost) Rules 2005 – Right to Information Rules 2012 – Application Fee – Section 19(8)(b) – Award of Compensation to the applicant

