

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SM/A/2010/001272/SG/14283

Appeal No. CIC/SM/A/2010/001272/SG

Relevant facts emerging from the Appeal:

Appellant : Mr. D. K. Bhaumik,
C- 9, Vidya Sagar Sarani,
Kolkata- 700063

Respondent : Mr. U. S. Lal,
CPIO & General Manager (Legal),
Small Industries Development Bank of India,
SIDBI Tower, 15, Ashok Marg,
Lucknow- 226001

RTI application filed on : 19/05/2010
PIO replied on : 26/05/2010
First Appeal filed on : 30/06/2010
First Appellate Authority order of : 03/08/2010
Second Appeal received on : 16/09/2010

S.No.	Information sought
1.	Specific date of SIDBI'S publication of 1 st edition of 17 manuals pursuant to the manuals contained in Section 4(1)(b) of the RTI Act and total number of copies printed in 1 st edition.
2.	Details containing specific reasons for SIDBI's violation of the mandate contained in Section 4(1)(b) of the RTI, in case the 1 st edition of such publication mentioned in query 1 above was not made within 12/10/2005.
3.	Specific dates of SIDBI's publication of 2 nd , 3 rd , 4 th and 5 th updated editions of 17 manuals every year pursuant to the mandate contained in Section 4(1)(b) of the RTI Act and total number of copies printed in each of 2 nd , 3 rd , 4 th and 5 th yearly updated editions.
4.	Details containing specific reasons for SIDBI's violation of the mandate contained in Section 4(1)(b) of the RTI Act, in case 2 nd , 3 rd , 4 th , 5 th yearly updated editions of such publication mentioned in query 3 above were not made within 31/12/2006, 31/12/2007, 31/12/2008 and 31/12/2009 respectively.
5.	Original printed copies of SIDBI's 1 st , 2 nd , 3 rd , 4 th and 5 th editions of publication of 17 manuals made pursuant to Section 4(1)(b) of the RTI Act and inspection thereof in Kolkata.
6.	Specific dates of SIDBI's providing 1 st , 2 nd , 3 rd , 4 th and 5 th yearly updated editions of publication to the public through various means of communication including internet pursuant to the mandate contained in Section 4(2) of the RTI Act.
7.	Specific dates of SIDBI's designation of its CPIOs pursuant to the mandate contained in Section 5(1) of the RTI Act.
8.	Details containing specific reasons for SIDBI's violation of the mandate contained in Section 5(1) of the RTI Act, in case CPIOs were not designated within 22/09/2005.
9.	Specific dates of SIDBI's designation of its CAPIOs pursuant to the mandate contained in Section 5(2) of the RTI Act.
10.	Details containing specific reasons for SIDBI's violation of the mandate contained in

	Section 5(2) of the RTI Act, in case CAPIOs were not designated within 22/09/2005.
11.	Specific dates of SIDBI's designation of its FAAs for the purpose of deciding First Appeal preferred under Section 19(1) of the RTI Act.
12.	Certified photocopies of the documents by which CPIOs, CAPIOs and FAAs have been designated by SIDBI and inspection of the original documents in Kolkata.
13.	Full name vis-à-vis full designation, complete address, date of birth and educational qualifications with years of passing of all CPIOs, CAPIOs and FAAs of SIDBI as of 19/05/2010.
14.	Full name vis-à-vis full designation, complete address, date of birth, educational qualifications with years of passing of all members of the Board of Directors of SIDBI as of 19/05/2010.
15.	Full name and complete addresses of all State Financial Corporations where SIDBI has its nominee directors vis-à-vis full names of SIDBI's all nominee Directors as of 19/05/2010.
16.	Full name vis-à-vis full designation, complete address, date of birth and educational qualifications with years of passing of all nominee directors of SIDBI in all SFCs as of 19/05/2010.
17.	An original printed copy of SIDBI's Annual Report for the fiscal year 2009-10.
18.	All website addresses of SIDBI as of 19/05/2010.
19.	All office addresses of SIDBI as of 19/05/2010.

Reply of Public Information Officer (PIO):

Since the Appellant had sought information on 19 various/ distinct heads, he was advised to send additional fee of Rs. 180 in order to take cognizance of the RTI application under the RTI Act.

Grounds for First Appeal:

No information was provided by the PIO. An additional fee of Rs. 180 was sought from the Appellant.

Order of the First Appellate Authority (FAA):

The FAA agreed with the decision of the PIO and noted that separate application fee was payable for each item. The FAA found the decision of the PIO as per the true spirit of the provision of the RTI Act and observed that bundling of series of requests in one application was not open to the information seeker unless he paid for each request of information separately.

Ground for Second Appeal:

Dissatisfied with the order of the FAA.

Relevant Facts emerging during Hearing held on August 24, 2011:

The following were present:

Appellant: Absent;

Respondent: Mr. U. S. Lal, PIO & General Manager (Legal) and Mr. S. C. Garg, FAA via video-conference from NIC Studio- Lucknow.

“In support of their contention (i.e. reply of the PIO dated 26/05/2010 and order of the FAA dated 03/08/2010), the Respondent relied on the decisions of the Commission in Rajendra Singh v. CBI CIC/WB/C/2007/00967 dated 19/06/2009, S. Umapathi v. State Bank of India, Mumbai CIC/SM/A/2010/000460/AT dated 12/11/2010 and Suryakant B. Tengali v. State Bank of India, Mumbai CIC/AT/A/2010/000501 dated 22/10/2010.”

The order was reserved at the hearing held on 24/08/2011.

Decision announced on 26 August 2011:

The main issue before the Commission is where information sought by an applicant from a public authority pertains to different topics/ heads, whether a separate application fee of Rs. 10 is required to be furnished in relation to each topic/ head. In other words, is there a legal requirement on an applicant's part to restrict the scope of her RTI application to only one subject matter? In the present

matter, the PIO has denied the information on the basis that it was sought on 19 various/ distinct heads and therefore, the Appellant was required to furnish an additional fee of Rs. 180. Further, the FAA agreed with the decision of the PIO and observed that bundling of series of requests in one application was not open to the information seeker unless he paid for each request of information separately. In support of their contention, the Respondents relied on certain decisions of the Commission, which have been mentioned above. The said decisions have been perused by this Commission.

In Rajendra Singh v. CBI CIC/WB/C/2007/00967, Mr. Wajahat Habibullah, the then Chief Information Commissioner observed as follows:

“The issue hinges around the application required to be made for obtaining information u/s 7 (1). Under this clause a CPIO. on receipt of ‘a request’ is expected to deal with it expeditiously when with accompanied with a fee. It is, therefore not open to the applicant under the RTI Act to bundle a series of requests into one application unless these requests are treated separately and paid for accordingly.”

Mr. Habibullah, the then Chief Information Commissioner, however, conceded that a request may be comprised of a question with several clarificatory or supporting questions stemming from the information sought. Such an application shall be treated as a single request and charged for accordingly. Subsequently, in Suryakant B. Tengali v. State Bank of India, Mumbai CIC/AT/A/2010/000501, Mr. A. N. Tiwari, the then Chief Information Commissioner interpreted the principle used in the Rajendra Singh Case as follows:

“In Rajendra Singh Vs. CBI; Appeal No.CIC/WB/C/2007/00967; Date of Decision: 19.06.2009, it has been the decision of the Commission that an application for information under the RTI Act should conform to the requirement of Section 6(1), which was that the application should contain either one request or a single category of request. It is not open to any applicant to ask for every single information under the sun through a single RTI application and to expect that the information would be collected, collated and furnished to him within the time limit of 30 days.”

The Rajendra Singh Case was also relied upon in S. Umaphathi v. State Bank of India, Mumbai CIC/SM/A/2010/000460/AT wherein Mr. Tiwari, the then Chief Information Commissioner observed that *“Under Section 6(1) an applicant is required to file RTI- application for either one or one category of information”*. The remaining issues discussed in the S. Umaphathi Case are not relevant to the present matter.

From a combined reading of the decisions mentioned above, it appears that the then Chief Information Commissioners have interpreted the term “a request” used both under Sections 6(1) and 7(1) of the RTI Act to mean one category of information. In other words, in a given RTI application, only one request i.e. one category of information may be sought on payment of the requisite fees; if information sought pertains to different categories, then each request shall be treated separately and paid for accordingly.

This Commission has perused the provisions of Sections 6(1) and 7(1) of the RTI Act. It is relevant to mention that the Supreme Court of India in Gurudevdatla Vksss Maryadit & Ors. v. State of Maharashtra & Ors. Appeal (Civil) No. 2298/2001 (judgment dated 22/03/2011) has clarified as follows:

“...it is a cardinal principle of interpretation of statute that the words of a statute must be understood in their natural, ordinary or popular sense and construed according to their grammatical meaning, unless such construction leads to some absurdity or unless there is something in the context or in the object of the statute to suggest to the contrary. The golden rule is that the words of a statute must prima facie be given their ordinary meaning. It is yet

another rule of construction that when the words of the statute are clear, plain and unambiguous, then the Courts are bound to give effect to that meaning, irrespective of the consequences. It is said that the words themselves best declare the intention of the law giver. The Courts have adhered to the principle that efforts should be made to give meaning to each and every word used by the legislature and it is not a sound principle of construction to brush aside words in a statute as being inapposite surpluses, if they can have a proper application in circumstances conceivable within the contemplation of the statute.”

The principle laid down above has been reiterated time and again by the Apex Court. Given the above-quoted principle, this Commission respectfully disagrees with the interpretation given by the then Chief Information Commissioners viz. the term “a request” used under Sections 6(1) and 7(1) of the RTI Act means only one category of information. It is important to mention that no legal basis has been given by the then Chief Information Commissioners while coming to the said interpretation. If the golden rule of statutory interpretation, as laid down by the Supreme Court of India, is to be applied, then the term “a request” must be given its natural and ordinary meaning, which certainly does not appear to mean ‘one category of information’. If at all a meaning is ascribed to the term “a request”, it would mean “an application” seeking information under the RTI Act. From a plain reading of Sections 6(1) and 7(1) of the RTI Act, there does not appear to be any embargo on the scope of such request or application. In other words, there is no legal requirement on an applicant’s part to restrict the scope of her RTI application to only one subject matter.

What constitutes a ‘single subject matter’ has neither been defined in the RTI Act, the rules and regulations framed thereunder and not even by the then Chief Information Commissioners in the said decisions. No parameters have been laid down by the then Chief Information Commissioners by which an applicant and the PIO can determine whether the information sought pertains to one- subject matter. In the absence of any means to determine what tantamounts to ‘one subject matter’, the PIO can, at his discretion, furnish part information claiming that the remaining information sought in the RTI application pertains to a different subject matter for which a separate RTI application is required to be filed. In the instant matter most of the information sought by the appellant relates to compliance of the public authority with its obligations under the RTI Act, with particular reference to Section 4 compliance. Thus even if the PIO had to go by the orders on which he has relied, information should have been provided. The exercise of such discretion by the PIO is likely to be subjective resulting in arbitrary curtailment of the fundamental right to information of citizens and unnecessary expenditure of money. In the absence of any clear definition of what ‘one category of request’ means it would only lead to arbitrary refusals of information under the RTI Act, leading to clogging of the appellate mechanisms. In view of the above, the contention of the Respondents is rejected.

The Appeal is allowed.

The PIO is directed to provide the complete information free of cost to the Appellant **before 20 September 2011.**

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
26 August 2011

(In any correspondence on this decision, mention the complete decision number.)(HA)