

CENTRAL INFORMATION COMMISSION

Room No. 305, 3rd Floor, CIC Bhavan, Baba Gangnath Marg, Munirka,
New Delhi-110067, website:cic.gov.in

Appeal No.:-CIC/LICOI/A/2017/112835-BJ

Appellant : Ms. Shanti Devi,
Respondent : CPIO
LIC of India, Divisional Office Gorakhpur,
Jeevan Prakash, Budh Vihar Vyavsayak
Yojna, Taramandal Road,
Gorakhpur – 273016
Date of Hearing : 13.04.2018
Date of Decision : 16.04.2018

Date of RTI application	03.09.2016
CPIO's response	28.09.2016
Date of the First Appeal	27.10.2016
First Appellate Authority's response	01.12.2016
Date of diarised receipt of Appeal by the Commission	24.02.2017

ORDER

FACTS:

The Appellant vide her RTI application sought information regarding the date of issuing the cheque of Rs. 20,000/- to the Appellant, name of the bank on which the cheque was drawn, cheque number and issues related thereto.

The CPIO vide its letter dated 28.09.2016 provided a point wise response to the Appellant. Dissatisfied by the response, the Appellant approached the FAA. The FAA vide its order dated 01.12.2016 concurred with the response of the CPIO.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Absent;

Respondent: Mr. O.P Singh, Manager (CRM) / CPIO and Mr. R.K. Tiwari, ADM (Claims);

The Appellant remained absent during the hearing. Mr. Tribhuvan Narayan Singh, Network Engineer NIC Studio at Siddharth Nagar confirmed her absence. The Respondent submitted that the details sought by the Appellant had been furnished by the CPIO / FAA. In its written submission dated 12.04.2018, the Respondent while re-iterating the reply of the CPIO/ FAA

stated that the information was provided within the time frame stipulated under the provisions of the Act.

The Commission referred to the definition of information u/s Section 2(f) of the RTI Act, 2005 which is reproduced below:

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, 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.”

Furthermore, a reference can also be made to the relevant extract of Section 2 (j) of the RTI Act, 2005 which reads as under:

“(j) right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes”

In this context a reference was made to the Hon’ble Supreme Court decision in 2011 (8) SCC 497 (CBSE Vs. Aditya Bandopadhyay), wherein it was held as under:

35..... “It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”

Furthermore, the Hon’ble Supreme Court of India in Khanapuram Gandaiah Vs. Administrative Officer and Ors. Special Leave Petition (Civil) No.34868 OF 2009 (Decided on January 4, 2010) had held as under:

6. *“...Under the RTI Act “information” is defined under Section 2(f) which provides:*

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, 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.”

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars,

orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed.”

7. “...the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the “public authority” under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.”

The Appellant was not present to contest the submission of the Respondent or to substantiate her claims further.

DECISION:

Keeping in view the facts of the case and the submissions made by the Respondent, no further intervention of the Commission is required in the matter.

The Appeal stands disposed accordingly.

(Bimal Julka)
Information Commissioner

Authenticated True Copy:

(K.L.Das)
Deputy Registrar