

(2020) 01 RAJ CK 0015
In the Rajasthan High Court
Case No : Civil Writ Petition No. 16938 Of 2019

Manju Devi

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 15-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0015

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Pappu Sangwa

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against the order passed by the Information Commissioner, whereby, the second appeal filed by the petitioner under Right to Information Act, 2005 ('RTI') has been rejected.

The petitioner vide Annex.1 sought information under RTI. When the requisite information was not supplied to the petitioner, he filed first appeal and when the said appeal also remained undecided, the petitioner approached the Information Commissioner by way of filing second appeal.

The Information Commissioner by its order dated 20.2.2019, came to the following conclusion:-

"7- अपीलार्थी के आवेदन के परिशीलन से यह ज्ञात होता है कि 13 बिन्दुओं एवं अंकित उपबिन्दुओं में ग्राम पंचायत से संबंधित समस्त कार्यों एवं उनसे संबंधित विवरण की वांछना की है। उक्त बिन्दुओं में कई सूचना वर्ष 1959 से 2018 की अवधि की चाही गई है, जो अतिविस्तृत है एवं सूचना के अधिकार अधिनियम, 2005 की धारा 7(9) के तहत निश्चित रूप से लोक प्राधिकरण के संसाधनों को विचलित करने वाली है। अपीलार्थी ने सूचना का आवेदन में कोई लोकहित भी नहीं दर्शाया है। सूचना का अधिकार शासन-प्रशासन में पारदर्शिता लाने का अहम अस्त्र है, लेकिन इसे सरकारी कामकाज को नकारात्मक रूप से प्रभावित करने का अस्त्र नहीं बनाया जा सकता। इस संदर्भ में माननीय सर्वोच्च न्यायालय द्वारा सीबीएसई बनाम आदित्य बंधोपाध्याय प्रकरण में दिनांक 09.08.2011 के निर्णय का उल्लेख प्रसांगिक है। माननीय सर्वोच्च न्यायालय ने लिखा है -----

"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 authority 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 used 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 staff of Public Authority spends 75% of time in collecting and furnishing information to applicants instead of discharging their duties.

The threat of penalties and the pressure of authorities should not lead the employees prioritizing information furnishing at the cost of their normal and regular duties."

8- इसलिए सर्वोच्च न्यायालय के उक्त निर्णय के आलोक में अपीलार्थी द्वारा चाही गई सूचनाओं को उपलब्ध कराये जाने हेतु प्रत्यर्थी बाध्य नहीं है।

9. उक्त विवेचनानुसार अपील में अब कोई कार्यवाही अपेक्षित नहीं होने से अपील खारिज किया जाना समीचीन है।

10. अस्तु, अपील, उपरोक्तानुसार खारिज की जाती है।"

It is submitted by learned counsel for the petitioner that the rejection of petitioner's application in second appeal was not justified, inasmuch as, the petitioner was entitled to seek the information, as has been sought, by way of the present application.

Further submission has been made that if certain information sought was for a long period, whatever material was available, should have been made available to the petitioner and, therefore, to the said extent, the order passed by the Information Commissioner deserves to be set aside.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

A bare look at the application (Annex.1) filed by the petitioner would reveal that the petitioner has sought information for period 2.10.1959 to 28.2.2018 qua several aspects pertaining to Gram Panchayat's working and decisions and has sought details in relation to the works executed under various schemes for the period 1.1.2010 to 28.2.2018 including copies of work order, labour register and muster roll in relation to all the said works executed by the Gram Panchayat.

The nature of information sought by the petitioner has rightly been denied by the Information Commissioner by relying on the judgment of Hon'ble Supreme Court in the case of Central Board of Secondary Education & Ors. v. Aditya

Bandopadhyay & Ors.: (2011) 8 SCC 497, wherein, Hon'ble Supreme Court came to the conclusion that indiscriminate and impractical demands for directions under the RTI cannot be encouraged.

Demands made by the petitioner, on its face, are indiscriminate and impractical, therefore, the rejection of the same by the Information Commissioner, cannot be faulted.

Insofar as, the plea raised by the petitioner regarding whatever material was available, should have been made available, is concerned, the same is a very general demand, which is now sought to be made by the petitioner and, therefore, the same cannot be countenanced.

Consequently, no case for interference in the order impugned is made out. There is no substance in the writ petition. The same is, therefore, dismissed.