

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

Decision no.: CIC/DHEDU/A/2018/145972/02526
File no.: CIC/DHEDU/A/2018/145972

In the matter of:

Ashok Kumar

... Appellant

VS

ACPIO & Assistant Section Officer
Ministry of Human Resource Development
Department of Higher Education
Technical Section -1, Shastri Bhawan, New Delhi – 110 001

...Respondent

RTI application filed on	:	27/02/2018
CPIO replied on	:	01/05/2018
First appeal filed on	:	05/06/2018
First Appellate Authority order	:	06/07/2018
Second Appeal dated	:	17/07/2018
Date of Hearing	:	03/01/2020
Date of Decision	:	03/01/2020

The following were present:

Appellant: Present over VC

Respondent: Shri P J Soundararajan, Under Secretary & CPIO alongwith Arun Kumar Karn, Assistant Section Officer & ACPIO

Information Sought:

The appellant has sought the following information:

1. List of total families in the Scheduled Caste (SCs) which have not benefitted with the policy of reservation in the Central/ State Government jobs and Public Sector jobs.
2. List of total families in the Scheduled Tribe (STs) which have not benefitted with the policy of reservation in the Central/ State Government jobs.

3. List of total families in Other Backward Classes (OBCs) which are not benefitted with the policy of reservation in the Central/ State Government jobs and Public Sector jobs.
4. And other related information.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that the desired information was not provided to him by the CPIO. He further submitted that he had sought this information in public interest to know how many citizens have been denied the benefit of the reservation to which they were entitled.

The CPIO reiterated the contents of the reply given to the appellant dated 01.05.2018. He further relied on the DoPT O.M dated 24th September, 2010 and submitted that the information sought in the RTI Application is not available with the respondent as the matter comes under the purview of the 23 individual IITs which are separate Public Authorities having their own CPIO/PIO and Appellate Authorities under the RTI Act, 2005. Following the directions contained in the OM dated 24th September, 2010 of DoPT, since the information is available with more than one Public Authority, therefore the appellant was advised to make separate applications to the concerned Public Authorities for obtaining information from them. He also submitted that the record regarding the families who were not given the reservation and other benefits is not available in their records and had it been the families who had received the said benefit, such information could have been provided.

Observations:

From a perusal of the relevant case records, it is noted that the information sought by the appellant relates to all the IITs and Sec 6(3) transfer by the CPIO, MHRD to all the IITs was not practicably possible. Moreover, it is pertinent to mention here that the sought for information is voluminous and direction for disclosure would disproportionately divert the resources of the public authorities. It is relevant to mention below the Apex Court observations relating to impractical demands of the appellants in the case of *CBSE vs Aditya Bandopadhyay & Ors* on 9 August, 2011, Civil Appeal No.6454 of 2011[Arising out of SLP [C] No.7526/2009

*“37. 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 prioritising 'information furnishing', at the cost of their normal and regular duties.”***

During the hearing, the appellant was asked to assist in reducing the demand for information by specifying any particular region or IIT regarding which he wants the information, so as to seek limited relief which can be provided but the appellant stated that he wants the information as has been sought by him in his original RTI application.

Decision:

In view of the above, the appellant is advised to limit the information sought and to submit his revised request for limited information to the CPIO within 10 days from the date of receipt of this order. Thereafter, the CPIO is directed to provide an additional reply to the appellant within 20 days from the date of the receipt of the revised request from the appellant. The appellant is also at liberty to file fresh RTI applications to the concerned IITs with specific queries.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date

