

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.36/ICPB/2006
June 26, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant : Shri Bal Krishan, Jhajjar.
Public Authority : Employees Provident Fund Organisation.

FACTS:

By an application dated 30.1.2006 to the ACPIO, Regional Office of the public authority, the appellant sought for inspection of a file relating to Association of Indian Universities, which request, according to the appellant was rejected. Again he wrote to the ACPIO on 6.2.2006 who gave inspection of the file on 6.2.2006. Thereafter, the appellant sought for copies of certain pages of the file undertaking to pay the necessary fees. His complaint is that inspite of his repeated visits to the office of the ACPIO, he was not allowed to deposit the amount to enable him to get copies of the documents desired by him and his appeal to the CPIO still remains to be decided. In view of this, the appellant has filed this complaint/appeal seeking for reimbursement of Rs.1200/- towards the cost incurred by him for his six visits to the office of ACPIO and also for a compensation of Rs.20,000/- for the harassment caused to him.

DECISION:

2. Comments were called for from the CPIO. The CPIO, while denying the allegations that the appellant was not allowed to deposit the fees towards copies, it is stated that by a letter dated 22.3.2006, the appellant was informed that as against 130 pages that he had asked for, the competent authority had permitted furnishing of only 15 pages and that he could collect the copies of the same by depositing Rs.30. Since the appellant had not done so, a reminder was issued to him on 28.4.2006, where after, the appellant deposited the said amount and collected the copies on 23.5.2006. The other pages, being part of file notings could not be furnished to him as according to the website of the DoPT, file notings do not form part of “information” under RTI Act.

3. This is yet another case, wherein the website clarification of the DoPT has resulted in this appeal/complaint. The delay in furnishing the copies of the document sought for by the

appellant is obviously due to the public authority seeking clarification from DoPT whether file notings could be disclosed. I am surprised that even after this Commission had given a decision in Satyapal Vs. TCIL (ICPB/A1/2006) that 'information' under RTI Act would include "file notings" as early on 31.1.2006, the DoPT had once again referred to the website clarification in its letter dated 1.3.2006 to the CPIO of the public authority. I once again reiterate, for the reasons stated in 'Satyapal' case, that "information" under RTI Act includes "file notings" and therefore, the public authority is bound to disclose them, if sought for.

4. In the present case, the appellant had filed this appeal before he received the communication dated 22.3.2006 and, therefore, he is at liberty, if he so desires, to ask for copies of remaining pages including file notings, which, as long as they do not fall under any of the exempted category in terms of Section 8, the CPIO will furnish the same on deposit of the prescribed fees. As far as the prayer of the appellant for cost and compensation is concerned, since the CPIO had sought for clarification from the DoPT, no willful negligence could be imputed to CPIO for the delay in furnishing the information.

5. Appeal is disposed of in the above terms.

6. Let a copy of this decision also be sent to appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Prem K. Gera)
Registrar

Address of parties :

1. Shri Saurabh Jagati, CPIO & Regional Provident Fund Commissioner-II, Employees Provident Fund Organisation, 9th Floor, Mayur Bhawan, Connaught Place, New Delhi-110001.
2. Shri Bal Krishan, House No. 8/494, Tilla Mohalla, Jhajjar, Haryana-124103.