



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA
ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಕಛೇರಿ

OFFICE OF THE CHIEF SECRETARY

ಸಂಖ್ಯೆ: CS/ 588 /Comp/ 2017

ದಿನಾಂಕ : 13-04-2017

ಟಿಪ್ಪಣಿ

ಈ ಟಿಪ್ಪಣಿಯೊಂದಿಗೆ ರಾಜ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲಾದ ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ 4292/2016ರ ಮೇಲಿನ ಆದೇಶ ದಿನಾಂಕ: 04-11-2016ರ ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿದೆ. ಅರ್ಜಿದಾರ ಕೋರಲಾದ ಮಾಹಿತಿ ಯಾವುದೇ ಭಾಗವು ಅದರಲ್ಲಿ ಲಭ್ಯವಿರದಿದ್ದು ಅದು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಇತರ ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರಗಳಲ್ಲಿ ಚಿಲ್ಲಾಪಿಲ್ಲಿಯಾಗಿ ಹಂಚಿಹೋಗಿದ್ದರೆ, ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿಯು, ಮಾಹಿತಿ ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲವೆಂದು ಮತ್ತು ಅರ್ಜಿದಾರನು ಸಂಬಂಧಪಟ್ಟ ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರಗಳಿಂದ ಮಾಹಿತಿಯನ್ನು ಪಡೆಯುವುದಕ್ಕಾಗಿ ಆ ಪ್ರಾಧಿಕಾರಗಳಿಗೆ ಪ್ರತ್ಯೇಕ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಅರ್ಜಿದಾರನಿಗೆ ತಿಳಿಸಬೇಕು. ಒಂದು ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಹಿತಿಯನ್ನು ಸೃಜಿಸುವುದು ಅಧಿನಿಯಮದ ವ್ಯಾಪ್ತಿಯನ್ನು ಮೀರಿದಂತಾಗುತ್ತದೆ.

ಅಲ್ಲದೇ ಕೇಂದ್ರ ಮಾಹಿತಿ ಆಯೋಗದ ಪ್ರಕರಣ ಸಂಖ್ಯೆ./236/IC(A)/2006 - F.No. CIC/MA/2006/00636 - Dated : 11th September 2006 - A. Santhosh Mathew Vs DOPT Thus, a CPIO is expected to provide the information available with him. He is not required to collect and compile the information on the demand of a requester no he is expected to create a fresh one merely because someone has asked for it. Because, such attempts would not allow for scrutiny of public action to detect and determine the nature and extent of deviation from the accepted policies. In view of this, the order passed by the appellate authority is fully justified.»ನಿರ್ದೇಶನವನ್ನು ನೀಡಿರುತ್ತದೆ. ಈ ಸಂಗತಿಗಳನ್ನು ಎಲ್ಲಾ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿಗಳಿಗೆ ಮುಂದಿನ ಅಗತ್ಯ ಕ್ರಮಕ್ಕಾಗಿ ಕಳುಹಿಸುವಂತೆ ತಮ್ಮನ್ನು ಕೋರಲು ನಿರ್ದೇಶಿತನಾಗಿದ್ದೇನೆ.

9/18)
RTI
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17/4/17

information.
17/4/17.

ಸಂಖ್ಯೆ:
ದಿನಾಂಕ: 15/04/2017
ಷು:

13/4/2017
[ಬಿ.ಎಸ್. ನಾಗರಾಜ್]
ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಕಛೇರಿ

ಯು ಸೆಲ್, ಉ.ಪ.ಸೆ.
ದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು
ಶಿಕ್ಷಣ ಇಲಾಖೆಗಳ ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು
ಸಂಸ್ಕೃತಿ ಇಲಾಖೆಗಳ ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು

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SIPD
HODs

RTI Section. Very important
ಈ ಟಿಪ್ಪಣಿ ಅತ್ಯಂತ ಮುಖ್ಯವಾದದ್ದು
ಅಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸಲಾಗಿದೆ

17/4/17

*Transfer to one
Public Authority*

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4th DAY OF NOVEMBER, 2016

BEFORE

THE HONBLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.4292/2012 (GM-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF AGRICULTURE
M.S.BUILDING
BANGALORE-560 001
2. THE ADDITIONAL DIRECTOR (ADMINISTRATION)
AND PUBLIC INFORMATION OFFICER
COMMISSIONERATE OF AGRICULTURE
BANGALORE-560 001

... PETITIONERS

(BY SRI Y.D.HARSHA, AGA)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION
M.S.BUILDING, BANGALORE-560 001.
2. A.R.VISHWANATH
S/O NOT KNOWN
A-T ROAD, AREHALLY-573 101
BELUR TALUK
HASSAN DISTRICT

... RESPONDENTS

(BY SRI G.B.SHARATH GOWDA, ADV., FOR R1
R2 IS SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUNGED ORDER DATED 2.11.2011 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-A AND ETC.,

THIS WRIT PETITION COMING ON FOR HEARING THIS DAY, THE COURT PASSED THE FOLLOWING:

ORDER

The petitioners are before this Court assailing the order dated 2.11.2011 passed by the 1st respondent, impugned at Annexure-A to the petition.

2. The 2nd respondent filed an application dated 1.2.2011 to the Public Information Officer, Office of the Commissioner, Department of Agriculture, seeking for the information as indicated therein. On taking note of the nature of the information that was sought, the Public Information Officer keeping in view the Office Memorandum dated 12.6.2008 issued an endorsement

dated 7/17.2.2011 as at Annexure-E to the petition informing the 2nd respondent that since the information sought is from the different offices and each of those offices have the Public Information Officer, the 2nd respondent to make an application to the concerned Public Information Officer, if he still desires that information, be provided. The 2nd respondent claiming to be aggrieved filed the petition before the 1st respondent complaining with regard to non-furnishing of the information and for direction in that regard.

3. The petitioners herein had appeared therein and opposed the claim made by the 2nd respondent. The 1st respondent through the order dated 2.11.2011 as at Annexure-A has directed that the information be furnished to the 2nd respondent within 30 days, free of cost through registered post acknowledgment due. The

petitioners, therefore, claiming to be aggrieved are before this Court.

4. Heard the learned Government Advocate and perused the petition papers.

5. At the outset, the perusal of the application filed by the 2nd respondent would disclose that as pointed out in the endorsement issued, the information sought is from the different offices all over the State and the information as sought is also of varied nature, without any specific indication of the particulars as has been sought. In such circumstance, when the information related to the entire State and as rightly pointed out in the endorsement, when each of the offices have the Public Information Officers, the applicant ought to have filed the application to the very Public Information Officer and that too with specific details of the information that was sought. In this

regard, it is also necessary to keep in view the provision contained in Section 7(9) of the Right to Information Act referred to by the learned Government Advocate, since the information as sought should also not be of the nature, which would divert the resources of the Officers working in different offices. If in that light the provision is kept in view and the information sought is kept in perspective, certainly the information as sought does not indicate any purpose and if such information as sought by the petitioners is to be collated, it would not only waste several man hours, but several man days of the officers working therein and that too when the information sought relates to the entire State and with regard to several projects undertaken by the Government. I am of the opinion that if such information as sought is entertained, it would amount to abuse of the right available under the Act rather

than achieving the object, for which, the Act has been passed.

6. If the above aspect is kept in view and the order impugned dated 2.11.2011 is taken into consideration, it would be clear that the 1st respondent without application of mind to all these aspects of the matter has proceeded at a tangent. Not only the 1st respondent has not applied its mind to the nature of the information that had been sought and as to whether the direction should be issued to provide such information, but the 1st respondent has also seriously erred in directing the petitioners to furnish such information free of cost when the same would run to several thousands of pages and as per the rough estimates made by the petitioners, the cost incurred would amount to about Rs.40 lakhs. Therefore, in such circumstance, the order impugned is wholly unjustified

and unsustainable in law. The order dated 2.11.2011
(Annexure-A) is accordingly quashed.

The petition is allowed.

Sd/-
JUDGE

PB