

CWP-5402-2015

Date of Decision : 02.05.2017

Roshan Lal

.....Petitioner

versus

The State Information Commission Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Aman Dhir, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner had submitted an application under Section 6 of the Right to Information Act (for short "the Act") on 10.04.2013 seeking information pertaining to 12 points from respondent No. 3, State Public Information Officer-cum-Food and Supplies Controller, Jind (Haryana). Details of the information sought by the petitioner vide application Annexure P-1 are as follows:-

- “i) Supply list of Labour License of Labour Contractor of Food & Supply Godown, Narwana for April, 2012 to March, 2013.*
- ii) Supply the list of name, father's name & complete address of all the workers working in Food & Supply Godown, Narwana from April, 2012 to March, 2013 and also supply certified list of EPF/PF Form No. 6-A & 3-A of all workers.*
- iii) Supply certified list of Labour License of Labour Contractor of Food & Supply Godown, Narwana for April, 2011 to March, 2012.*

- iv) *Supply the list of name, father's name & complete address of all the workers working in Food & Supply Godown, Narwana from April, 2011 to March, 2012 and also supply certified list of EPC/PF Form No. 6-A & 3-A of all workers.*
- v) *Supply certified list of Labour License of Labour Contractor of Food & Supply Godown, Narwana for April, 2009 to March, 2011.*
- vi) *Supply the list of name, father's name, & complete address of all the workers working in Food & Supply Godown, Narwana fro April, 2009 to March, 2011 and also supply certified list of EPF/PF Form No. 6-A & 3-A of all workers.*
- vii) *Supply certified list of Labour License of Labour Contractor of Food & Supply Godown, Narwana for April, 2006 to March, 2009.*
- viii) *Supply the list of name, father's name & complete address of all the workers working in Food & Supply Godown, Narwana from April, 2006 to March, 2009 and also supply certified list of EPF/PF Form No. 6-A & 3-A of all workers.*
- ix) *Supply the list of workers presently working in Food & Supply Godown, Narwana and also supply the Labour License of Labour Contractor.*
- x) *Supply certified list of each Labour Contractor of Food & Supply Godown, Narwana for April, 2006 till date.*
- xi) *Supply certified list of Labour License of Labour Contractor of Food & Supply Godown, Narwana for April, 2000 to March, 2006.*
- xii) *Supply the list of name, father's name & complete address of all the workers working in Food & Supply Godown, Narwana from April, 2006 to March, 2009*

and also certified list of EPF/PF Form (sic) No. 6-A & 3-A of all workers.”

Stating that the information supplied to him was incomplete, the petitioner filed first appeal before the First Appellate Authority i.e. Joint Director Food and Supplies where upon a direction was issued to the State Public Information Officer to provide the inadequate information within a period of 20 days. The petitioner was also given permission to examine the record pertaining to the information required by him on the date and time, to be fixed by the Food and Supplies Controller as is apparent from the order dated 17.06.2013.

Still dissatisfied, the petitioner had filed second appeal under Section 19 (3) of the Right to Information Act, before the State Information Commissioner where he admitted that he had received the information but pleaded that the information supplied was incomplete as certified copy of the labour licences and name of the labourers have not been provided by the SPIO. He expressed his dissatisfaction stating that the relevant record has not been shown by the said SPIO and sought a direction to provide complete information.

Following directions were given in the second appeal :-

(i) The SPI-cum-District Food & Supplies Controller, Jind shall provide certified copies labour licence from its records in response to point 1, 3, 5, 7, 9 and 11 of the RTI application to the appellant within two weeks of the receipt of the

order.

(ii) The respondent-SPIO shall fix date, time and venue for inspection of the record relating to point 2, 4, 6, 8, 9 & 12 and communicate it to the appellant within one week of the receipt of the order. The respondent-SPIO shall arrange the record concerning to these points for inspection by the appellant.

(iii) In case, the relevant record has been weeded out, the respondent-SPIO shall submit an affidavit in this regard to the Commission with a copy to the appellant within two weeks of the receipt of the order.

(iv) The respondent-SPIO shall submit compliance report to the Commission not later than 23.12.2013.

The petitioner, still not satisfied, has filed the present writ petition claiming that he has not been supplied the entire information.

I have heard learned counsel for the petitioner at length. Though it is not required under Section 6 (2) of the Act to give any reason for seeking the information or any personal details except those that may be necessary for contacting the applicant but Section 8 of the Act contains certain categories of cases where it shall not be the obligation to provide any information. It is mentioned in Section 8 (1)(j) that any information which relates to personal information, the disclosure of which has no relationship to any public activity or interest and providing information would tantamount to unwarranted invasion of

the privacy of the individual, may not be supplied.

In view of the joint reading of the said provisions, it appears that it will not be improper to ask for the purpose for which the information is required so that by determining the rational nexus of the information sought, with the purpose, necessary directions could be issued. It has been informed that the petitioner is a labourer and he wants to challenge certain licences and wants to seek information regarding the provident fund deductions, if any. A perusal of the list of the documents sought for, in the application, reflects that the petitioner merely wanted the certified copies of the labour licences of labour contractors for different years. The said information apparently relates to the personal information of the various labour contractors during different years which has got no relationship to any public activity or interest. The said information also does not appear to serve any larger public interest. The present case appears to be a glaring example of misuse of the provisions of the Right to Information Act with an objective to obtain information merely to harass the officials/officers of the department. It is not out of place to observe here that in '***Girish Ramchandra Deshpande vs. Central Information Commissioner and others'*** 2012 (4) CRC (Civil) 559, it has been laid down that if the information sought for has got no public purpose the same can be refused to be supplied.

Had the petitioner got any interest in the public welfare, he could have challenged any act of the official respondents. In the absence

of any purpose disclosed till date and there being no rational nexus to the said purpose of the information sought for and the information having already been supplied and inspection of the documents having already been allowed, no interference is warranted in writ jurisdiction.

Dismissed.

(M.M.S. BEDI)
JUDGE

02.05.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No