Date of hearing : 17 February 2011
Date of decision : 17 February 2011

Name of the Appellant : Shri Prem Shankar Gupta
S/o. Shri Saryu Prasad Gupta,
Near Mill Gate Maholi, Distt – Sitapur.

Name of the Public Authority : CPIO, Punjab National Bank,
4, Circle Office, Vibhutikhand,
Gomtinagar, Lucknow.

On behalf of the Respondent, Shri S.K. Singh, CPIO was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. In our order dated 28 December 2010, we had directed the CPIO not only to provide the desired information but also to appear before us and explain why he had treated the RTI application as not amounting to information within the meaning of Section 2(f) of the Right to Information (RTI) Act. It is to be noted that while replying to the RTI application dated 31 March 2010, the CPIO had observed that the queries contained in the said application did not amount to information at all whereas, indeed, the queries were unambiguous and the photocopies of the relevant documents in which certain complaints had been dealt with could have been easily provided. The CPIO concerned, appearing before us today, submitted that he had taken the advice of the Law Department of the Bank in this matter and had been advised that these RTI queries did not amount to information. If that is so, it is unfortunate that, after five years of the
existence of the Right to Information (RTI) Act, the Law Department of the Bank should have such misconception about what constitutes information and what does not.

3. We want to make it clear that any RTI query must be considered with a view to providing information and not to rejecting it. Since information ordinarily means providing copies of various records held by the public authority, the CPIO must find out the nearest files and records which would answer the query made by the information seeker and provide the photocopy of that. Any interpretation of the RTI application with a view to somehow rejecting it will be construed as deliberate denial of information and punished in terms of Section 20(1) of the Right to Information (RTI) Act. This time round, we accept the explanation of the CPIO concerned that it was a genuine mistake and misinterpretation of the RTI request and therefore, do not intend to impose any penalty on him. We would advise the Bank to apprise all its CPIOs to be more careful in future in dealing with RTI requests.

4. Reportedly, the desired information had since been forwarded to the information seeker.

5. The case is disposed off accordingly.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.
(Vijay Bhalla)
Deputy Registrar