

**CENTRAL INFORMATION COMMISSION**  
**Club Building, Old JNU Campus,**  
**Opposite Ber Sarai, New Delhi -110067**  
**Tel: + 91 11 26161796**

**Decision No. CIC/SM/A/2010/001398/SG/14462**  
**Appeal No. CIC/SM/A/2010/001398/SG**

**Relevant Facts emerging from the Appeal:**

**Appellant** : Mr. Amit Pande  
344, Jiwaji Nagar,  
Thatipur, Gwalior- 474011

**Respondent** : Mr. U. S. Lal,  
CPIO & General Manager (Legal),  
Small Industries Development Bank of India,  
SIDBI Tower, 15, Ashok Marg,  
Lucknow- 226001

**RTI application filed on** : 20/07/2010  
**PIO replied on** : 27/07/2010  
**First Appeal filed on** : 15/08/2010  
**Order of FAA** : 15/09/2010  
**Second Appeal received on** : 06/10/2010

**Information sought:**

(1) In relation to letter no. 5590 dated 15/05/2007, inform:

- (i) Performance score obtained by the Appellant for the Assessment Years 2003- 04, 2004- 05, 2005-06 and 2006- 07;
- (ii) Name and designation of the reporting and reviewing officer for each year separately.
- (iii) Certified copy of the note sheet prepared in connection with the above mentioned letter.

(2) In relation to an interview call for the Appellant for promotion from Grade A to Grade B twice between 2004 and 2006, inform:

- (i) Marks awarded by each committee member;
- (ii) Threshold mark fixed by the board for promotion; and
- (iii) Certified copy of each and every page related to the Appellant's assessment.

(3) In relation to letter no. 7889/RTI-6(i)/197 dated 07/07/2010, inform:

- (i) Section of the RTI Act invoked by SIDBI for filing the review petition;
- (ii) Whether any note sheet was prepared by SIDBI before issuance of the above letter. If yes, provide a certified copy of the same.

(4) In relation to the two pages of letter no. 5204/SIDBI/CPIO/NZO dated 13/02/2007 issued by SIDBI to the Appellant, inform:

- (i) Whether any of the said guidelines were issued by SIDBI till date which were not issued earlier (by 13/02/2007). If yes, provide a certified copy of the same;
- (ii) Whether any action has been taken by SIDBI on this report of the HR consultant till date other than making a huge payment to the consultant. If yes, then provide detailed information of the same;

- (iii) If any note sheet was prepared by SIDBI after receiving this report for its implementation either in part or in toto, then provide a certified copy of the same. If no note sheet has been prepared till date, then inform the Appellant accordingly;
- (iv) Provide a certified copy of the voucher through which payment was made to the consultant;
- (v) Names and designation of the officers who examined the HR consultant's report;
- (vi) If this report is still pending for action, then inform about the names and designation of the officers with whom the report is pending action.
- (vii) If SIDBI has decided not to take any action on the HR consultant's report, the same must be informed to the Appellant;
- (viii) Date on which the HR consultant's report was received in SIDBI. If this report was not in-warded, the same must be informed to the Appellant;

(5) An endorsement to letter dated nil written in the name of Shri. Durgesh Pandey, AGM and addressed to the Appellant, stipulates: "*Copy forwarded to The Assistant General Manager, SIDBI, Jammu. He is advised to monitor the quality of work and productivity of Shri Amit Pande, AM in the office and forward a confidential report, on a monthly basis, to HRDD, HO, Lucknow/ NZO*". In this regard, provide a certified copy of all the monthly reports submitted by the AGM to HRDD, HO, Lucknow/ NZO.

(6) In relation to letter no. 1573 dated 30/07/2009 issued by the Reserve Bank of India and addressed to the CMD, SIDBI, Mumbai, inform:

- (i) The date of receiving of this letter by SIDBI;
- (ii) The inward number given by SIDBI to the letter, if any;
- (iii) Provide a certified copy of the note sheet that was prepared by SIDBI on this matter;
- (iv) Provide a certified copy of the reply that was sent by SIDBI to RBI in connection with the above letter dated 30/07/2009.

(7) In relation to the show cause notice dated 16/04/2008 issued by SIDBI to the Appellant for starting disciplinary proceedings further to which a writ petition is pending against SIDBI in the Hon'ble Lucknow High Court (No. 1641 of 2009) for the Appellant's illegal dismissal by SIDBI management, inform:

- (i) How many advocates along with names have been consulted by SIDBI from time to time during the period 01/01/2008 till date?
- (ii) How many times the fees were paid to the advocates along with the amount paid on each of these occasions? Certified copy of the payment voucher through which payment was made to the advocates and note sheet through which the advocates were hired and payment was released to them.

(8) In relation to three pages of the note sheet prepared by Reserve Bank of India, inform:

- (i) Whether SIDBI has initiated any action on the advice of RBI. If yes, provide a certified copy of the relevant documents.
- (ii) If SIDBI has not initiated any action in the matter till date, then inform accordingly.

(9) In relation to letter HRDD No. 6314/ RBI (Corres) dated 18/02/2010 issued by SIDBI, inform:

- (i) Whether any note sheet was prepared before issuing the above mentioned letter. If yes, then provide a certified copy of the same.
- (ii) Names and designation of the officers who signed on the note sheet. If note sheet was not prepared before the issuance of the said letter, then inform the Appellant accordingly.
- (iii) Provide a certified copy of SIDBI's advertisement as mentioned. Provide the name of the newspaper in which the said advertisement was published. If any note sheet was prepared

before placing the advertisement, then provide a certified copy of the same. Inform the amount spent in placing this advertisement.

(10) In relation to one page, inform:

- (i) Whether SIDBI has submitted its reply to the Hon'ble Court;
- (ii) Names and designation of the officers who are responsible to file the reply;
- (iii) Role played by the COM (HRDD) and legal department till date. If they have not taken any initiative/action in filing the reply, then inform accordingly.
- (iv) Total fees amount that has been given by SIDBI to the advocate till date. A certified copy of the note sheet prepared for making the payment.

(11) Since the introduction of RTI Act how many times advocates were consulted by SIDBI for anything related to RTI Act. For example, inform whether any advocate was ever engaged by SIDBI for replying to any query of the information seekers or for solving any intricacy of the RTI Act. If yes, then provide the names of such advocates, fees paid to each one of them at different occasions and note sheet prepared for engaging such advocates. If no advocate was ever consulted/engaged for RTI related matters, then inform accordingly.

**Reply of Public Information Officer (PIO):**

*"It is observed from the captioned application that you have sought information regarding 11 distinct items and you have sent only Rs. 10/- (Rs. Ten only), as fee, therefore you are requested to deposit further fees of Rs.100/-."*

The Appellant, vide letter dated 01/08/2010, paid a sum of Rs. 100/- but objected to the same as there was no basis under the RTI Act for charging the same. The PIO, vide reply dated 09/08/2010, stated that the Appellant may approach the FAA if he was dissatisfied with the reply of the PIO.

**Grounds for First Appeal:**

No information was provided by the PIO. An additional fee of Rs. 100 was sought from the Appellant without any basis under the RTI Act.

**Order of the First Appellate Authority:**

The FAA upheld the reply of the PIO and noted that it was in true spirit of the provisions of the RTI Act. The FAA observed that as per the decisions of the Commission, bundling of series of requests in one application is not open to the information seeker unless he pays for each request of information separately.

**Grounds for Second Appeal :**

Dissatisfied with the reply of the PIO and order of the FAA.

**Relevant Facts emerging during Hearing held on September 5, 2011:**

The following were present:

**Appellant:** Mr. Amit Pande via video conference from NIC Studio- Gwalior;

**Respondents:** Mr. U. S. Lal, PIO & General Manager (Legal) and Mr. S. C. Garg, FAA via video conference from NIC Studio- Lucknow.

The respondents argued that since there were 11 different items for which information was sought, the PIO was right in demanding ₹ 10 as application fee for each.

The Respondents contended that the order of the Commission in Appeal No. CIC/SM/A/2010/001272/SG/14283 dated 26/08/2011 was erroneous since it should have referred the matter to a larger Bench in the event a single Bench of the Commission disagreeing with another single Bench on the same issue. They further argued that if the PIO has refused to provide information on technical grounds, the Commission should not issue an order to provide the information but remand

the matter to the PIO. The Respondent also relied on the Commission's decisions in T. K. Roy v. Department of Legal Affairs CIC/AT/A/2009/000802 dated 15/01/2010 and Wasi Ul Haque v. UPSC CIC/WB/A/2008/01256 dated 09/02/2010.

The order was reserved at the hearing held on 05/09/2011.

**Decision announced on 7 September 2011:**

In the instant matter, the PIO has denied the information on the basis that it was sought on 11 distinct heads and therefore, the Appellant was required to furnish an additional fee of Rs. 100. The FAA also agreed with the decision of the PIO and observed that bundling of series of requests in one application was not open to the information seeker unless he paid for each request of information separately. Therefore, the main issue before the Commission is where information sought by an applicant from a public authority pertains to different topics/ heads, whether a separate application fee of Rs. 10 is required to be furnished in relation to each topic/ head. In other words, is there a legal requirement on an applicant's part to restrict the scope of her RTI application to only one subject matter?

The above issue came for consideration before this Bench in D. K. Bhaumik v. CPIO, SIDBI CIC/SM/A/2010/001272/SG. The respondents appearing in the said matter are also the Respondents in the present matter. In the D. K. Bhaumik Case, the Respondents had relied on the Commission's decisions in Rajendra Singh v. CBI CIC/WB/C/2007/00967 dated 19/06/2009, S. Umapathi v. State Bank of India, Mumbai CIC/SM/A/2010/000460/AT dated 12/11/2010 and Suryakant B. Tengali v. State Bank of India, Mumbai CIC/AT/A/2010/000501 dated 22/10/2010 in support of their contention. This Bench, vide order dated 26/08/2011, had held that there was no legal requirement on an applicant's part to restrict the scope of her RTI application to only one subject matter.

At the hearing held in the present matter on 05/09/2011, the Respondents cited certain additional decisions of the Commission (as mentioned above) in support of their contention. The said decisions have been perused by this Bench. The Respondents further contended that the order of the Commission in the D. K. Bhaumik Case was erroneous since it should have referred the matter to a larger Bench in the event a single Bench of the Commission disagrees with another single Bench on the same issue. In view of the same, this Bench will consider all the decisions cited by the Respondents in the D. K. Bhaumik Case as well as the present matter.

In Rajendra Singh v. CBI CIC/WB/C/2007/00967, Mr. Wajahat Habibullah, the then Chief Information Commissioner observed as follows:

*"The issue hinges around the application required to be made for obtaining information u/s 7 (1). Under this clause a CPIO, on receipt of 'a request' is expected to deal with it expeditiously when with accompanied with a fee. It is, therefore not open to the applicant under the RTI Act to bundle a series of requests into one application unless these requests are treated separately and paid for accordingly."*

Mr. Habibullah, the then Chief Information Commissioner, however, conceded that a request may be comprised of a question with several clarificatory or supporting questions stemming from the information sought. Such an application shall be treated as a single request and charged for accordingly. Thereafter, in T. K. Roy v. Department of Legal Affairs CIC/AT/A/2009/000802, Mr. A. N. Tiwari, Information Commissioner held that *"In Commission's decision in Rajendra Singh Vs. CBI; Complaint No.CIC/WB/C/2007/00967; Date of Decision: 19.06.2009, it was held that the provision of Section 7(1) obligated an applicant to register in his RTI-application only one request or one type of request, which may have multiple facets. The Act doesn't entitle an applicant to include in his application queries on myriad subjects and then expect the CPIO to despatch each part of the multiple queries to the point where the information was known to be or likely to be held"*.

In Wasi Ul Haque v. UPSC CIC/WB/A/2008/01256, Mr. Wajahat Habibullah, the then Chief Information Commissioner relied on the Rajendra Singh Case and observed that “...as per section 6 (1) read with section 7 (1) of the Act a request means that the questions and the answers must share an embryonic relationship, the genus of the application must be one and sub questions can constitute different species of the same genus”. Subsequently, in Suryakant B. Tengali v. State Bank of India, Mumbai CIC/AT/A/2010/000501, Mr. A. N. Tiwari, the then Chief Information Commissioner interpreted the principle used in the Rajendra Singh Case as follows:

*“In Rajendra Singh Vs. CBI; Appeal No.CIC/WB/C/2007/00967; Date of Decision: 19.06.2009, it has been the decision of the Commission that an application for information under the RTI Act should conform to the requirement of Section 6(1), which was that the application should contain either one request or a single category of request. It is not open to any applicant to ask for every single information under the sun through a single RTI application and to expect that the information would be collected, collated and furnished to him within the time limit of 30 days.”*

The Rajendra Singh Case was also relied upon in S. Umamathi v. State Bank of India, Mumbai CIC/SM/A/2010/000460/AT wherein Mr. Tiwari, the then Chief Information Commissioner observed that “Under Section 6(1) an applicant is required to file RTI- application for either one or one category of information”.

From a combined reading of the decisions mentioned above, it appears that the then Chief Information Commissioners have interpreted the term “a request” used both under Sections 6(1) and 7(1) of the RTI Act to mean one category of information. In other words, in a given RTI application, only one request i.e. one category of information may be sought on payment of the requisite fees; if information sought pertains to different categories, then each request shall be treated separately and paid for accordingly.

This Commission has perused the provisions of Sections 6(1) and 7(1) of the RTI Act. It is relevant to mention that the Supreme Court of India in Gurudevdatto Vksss Maryadit & Ors. v. State of Maharashtra & Ors. Appeal (Civil) No. 2298/2001 (judgment dated 22/03/2001) has clarified as follows:

*“...it is a cardinal principle of interpretation of statute that the words of a statute must be understood in their natural, ordinary or popular sense and construed according to their grammatical meaning, unless such construction leads to some absurdity or unless there is something in the context or in the object of the statute to suggest to the contrary. The golden rule is that the words of a statute must prima facie be given their ordinary meaning. It is yet another rule of construction that when the words of the statute are clear, plain and unambiguous, then the Courts are bound to give effect to that meaning, irrespective of the consequences. It is said that the words themselves best declare the intention of the law giver. The Courts have adhered to the principle that efforts should be made to give meaning to each and every word used by the legislature and it is not a sound principle of construction to brush aside words in a statute as being inapposite surpluses, if they can have a proper application in circumstances conceivable within the contemplation of the statute.”*

The principle laid down above has been reiterated time and again by the Apex Court. The golden rule of statutory interpretation, as laid down by the Supreme Court of India, has the force of law. If the said rule is to be applied, then the term “a request” must be given its natural and ordinary meaning, which certainly does not appear to mean ‘one category of information’. If at all a meaning is ascribed to the term “a request”, it would mean “an application” seeking information under the RTI Act. Even from a plain reading of Sections 6(1) and 7(1) of the RTI Act, there does not appear to be any embargo on the scope of such request or application. In other words, this Bench rules that there is no legal requirement on an applicant’s part to restrict the scope of her RTI application to only one subject matter.

In view of the above, this Bench is of the considered view that the decisions cited by the Respondents are *per incuriam* inasmuch as these decisions were rendered in ignorance of a rule having the force of law laid down by the Supreme Court of India. Given the same, these decisions are not binding on this Bench. It is important to mention that no legal basis has been given by the then Chief/ Information Commissioners for interpreting that the term “a request” used under Sections 6(1) and 7(1) of the RTI Act means only one category of information.

At this juncture, it would be pertinent to mention that what constitutes a ‘single subject matter’ has neither been defined in the RTI Act, the rules and regulations framed thereunder and not even by the then Chief/ Information Commissioners in the said decisions. No parameters have been laid down by the then Chief/ Information Commissioners by which an applicant and the PIO can determine whether the information sought pertains to one- subject matter. In the absence of any means to determine what tantamounts to ‘one subject matter’, the PIO can, at his discretion, furnish part information claiming that the remaining information sought in the RTI application pertains to a different subject matter for which a separate RTI application is required to be filed. The exercise of such discretion by the PIO is likely to be subjective resulting in arbitrary curtailment of the fundamental right to information of citizens and unnecessary expenditure of money. In the absence of any clear definition of what ‘one category of request’ means it would only lead to arbitrary refusals of information under the RTI Act, leading to clogging of the appellate mechanisms. However, rules framed by the competent authority could put some reasonable restrictions on the length of the RTI application.

The Respondents have further contended that if the PIO has refused to provide information on technical grounds, the Commission should not issue an order to provide the information but remand the matter to the PIO. This contention is not tenable in view of Section 19(8)(a)(i) of the RTI Act, which provides that while deciding an Appeal, the Commission has the power to require a public authority to provide access to information to secure compliance with the RTI Act. In view of the above, the contentions of the Respondents are rejected.

**The Appeal is allowed.** The PIO is directed to provide the complete information free of cost to the Appellant **before 5 October 2011**, subject to the provisions of the RTI Act.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**7 September 2011**

*(In any correspondence on this decision, mention the complete decision number.)(AM)*