

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No. 1131 OF 2015

ORDER:

The petitioner sought for a writ of mandamus for declaring the action of the respondents in not furnishing the complete information sought for by him with regard to the Re-structured Accelerated Power Development and Reforms Programme project founded by the Government of India and adopted by the respondent Transmission Corporation of Telangana State, as illegal.

Heard the petitioner-in-person.

It is the case of the petitioner that he has filed an application on 12.11.2013 in terms of and in accordance with the provisions contained in the Right to Information Act, 2005, but instead of furnishing the complete information sought for by him, bare extracts of information has been furnished to him. Even the appellate authority's orders have not been carried out by the respondents so far. Hence, the present Writ Petition.

The writ petitioner sought for the following information:

“ Please provide the information that the Project of RAPDRP founded by Government of India and adopted by the Company for improving the Distribution Net Work which also comprises Digital mapping of 11 KV Net Work and LT Net Work as part of the project, which spread over all the 11 Circles of the entire Company, kindly provide two sets of certified copy of the same to me.”

In response thereto, the State Public Information Officer, APCPDCL, Hyderabad, through his communication, dated 17.12.2013, furnished two sets of certified copies of information received from the Chief General Manager/Projects/APCPDCL. This information made available to the petitioner, according to the petitioner, is insufficient and inadequate and does not meet the requirements of law.

With a view to promote transparency of public administration and accountability of the public servants to discharge the functions on

behalf of the public institutions, the Parliament has enacted the Right to Information Act, 2005 (henceforth referred to as 'the Act'). Section 3 of this Act has recognized the right of the citizens of this country to gain access to information. Section 4 has correspondingly thrust an obligation on every public authority to make available the information subject, of course, to the exemptions contained under Section 8 of the said Act. The expression 'information' has been defined under Section 2(f) of the Act, in the following terms:

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

Similarly, the expression 'right to information' has been defined under Section 2(j), in the following words:

“right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts, or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

The information sought for by the petitioner was, in my opinion, imprecise. The public information authority could not understand obviously the exact nature of information sought for by the petitioner. Hence, broad figures of the expenditure incurred so far, running to Rs.120.20 crores, Rs.2.84 crores and Rs.256.42 crores have been furnished, whereas the petitioner would urge that he wanted to know from the public information authority the details relating to the expenditure incurred, which is running into several crores of rupees and also the corresponding expenditure for completion of works and the benefits that have percolated to the public at large or at least for the company in question. Since that information has not been furnished, he instituted the present Writ Petition.

I am of the opinion that the petitioner should have taken care to ask for the precise information he solicits from the public information officer. If the petitioner is desirous of knowing the details of the expenditure, which has been incurred so far, he should ask for the details of the expenditure. Similarly, if the petitioner is desirous of knowing the nature and details of the works executed so far, as part of execution of the project works, he should ask for the said information. Because the petitioner has not framed his query precisely, the impression, which the respondents have gained, resulted in information in abstract terms being furnished.

Therefore, I preserve liberty to the petitioner to formulate very precisely the information, which he seeks, and file an appropriate application before the public information officer, who, upon receipt of the same, I am confident will furnish the necessary information in terms of the provisions contained under the Act.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

27th February 2015

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