

CENTRAL INFORMATION COMMISSION

F.No.CIC/AT/A/2008/01053
Dated, the 16th January, 2009

Appellant : Shri Bipin Chandra

Respondents : India Meteorological Department

This matter was heard on 06.01.2009 in the presence of both parties.

2. Appellant, through his RTI-application dated 27.03.2008, requested the following information:-

"1. Please provide district wise monthly rainfall data for the districts mentioned below for 5 years from 2003 to 2007

Madhya Pradesh - Lalitpur, Jhansi, Hamirpur, Mahoba, Jaulan, Banda

2. Please provide the location of rainfall-measuring sites in districts mentioned below and provide monthly rainfall data for from all the sites for 5 years from 2003 to 2007

Madhya Pradesh - Tikamgarh, Chhatarpur, Sagar, Damoh, Vidisha, Bhopal, Raisen, Panna, Katni, Satna, Guna, Shivpuri, Sehore, Narasimhapur,

Uttar Pradesh - Lalitpur, Jhansi, Hamirpur, Mahoba, Jaulan, Banda."

3. CPIO furnished two sets of replies to the appellant: respectively dated 31.03.2008 and Nil. The sum-total of the replies was that the information requested by the appellant has already been brought into the public domain by the public authority and was available as priced document at its several branches. As the information was not properly 'held' in terms of Section 2(i) of the RTI Act — having been brought out into the open domain as priced document appellant could access the information by paying the requisite price at the offices where the information was maintained.

4. Appellant questioned the conclusion of the respondents stating that his right under the Right to Information Act could not be taken away on the basis of



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a surmise of the public authority that they had priced this document for public distribution.

5. Another and more important point appellant made was that all that he was seeking was the rainfall data of certain districts in two States, viz. Madhya Pradesh and Uttar Pradesh. This is the most elementary but crucial data which the public authority should be normally bringing out into the open with a view to allow free access to all those who wish to access this data regardless of the purpose for which this data might be used.

6. Commission noted that there was merit in the latter submission of the appellant. Rainfall data including the data about distribution of rainfall for a reasonable period of time, say five years, is a very basic data which several States are now making routinely available to those who seek this information. There is undoubtedly a public interest implication about dissemination of this data — bringing it out into the public domain — as a routine process. One would have expected the public authority to exhibit this data on its website and widely publicise its availability so that those wishing to access it could reach out to it. Unfortunately, this has not been done and when this matter is raised, it is complicated by several complex technological/tactical responses. What is necessary is that the public authority should recognise that this variety of data is the minimal data which must be made available so that the general public could benefit from its free availability. Certain State Governments have already shown the way in this regard.

7. *In consideration of the above, it is directed that the head of the public authority, viz. Director General, India Meteorological Department, New Delhi, shall make a determination regarding the point stated in the previous paragraphs and make a written submission before the Commission, within one month, about the arrangements that will be made for free access and dissemination of the above-mentioned rainfall data.*

8. The matter shall thereafter be heard afresh for a determination regarding issuing to the public authority a directive under Section 19(8)(a) of the RTI Act.

As regards the information requested by the appellant, respondents stated that they were willing to make an exception in this case and provide to him the requested data free of charge without prejudice to the respondents' right to decide the policy regarding disclosure of information and the terms and conditions thereof. The present offer to the appellant is by way of a gesture, and should not be construed as policy.

10. *CPIO may provide this data to the appellant within three weeks of the receipt of this order.*



11. Copy of this direction be sent to the parties.

A.N. Tiwari
(A.N. TIWARI)

INFORMATION COMMISSIONER

Authenticated by

D.C. Singh
(D. C. Singh)
Assistant Registrar

Copy to:

✓ 1. Shri Bipin Chandra,
R/o 86 - D, AD Block,
Shalimar Bagh,
Delhi - 110 088. (Appellant)

2. Shri T.A. Khan,
D.D.G.M. (O) & CPIO,
India Meteorological Department,
O/o the Director General of Meteorological,
Mausam Bhavan, Lodhi Road,
New Delhi - 110003.

3. Shri A.K. Bhatnagar,
ADGM/EREC) & AA,
India Meteorological Department,
Mausam Bhavan, Lodhi Road,
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